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STATE OF CALIFORNIA

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1 HEARING

2 SENATE RULES COMMITTEE

3 STATE OF CALIFORNIA

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10 STATE CAPITOL

11 ROOM 113

12 SACRAMENTO, CALIFORNIA

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16 WEDNESDAY, APRIL 2, 1986

17 2:00 P.M.

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26 Reported by:

27 Evelyn Mizak  
28 Shorthand Reporter





APPEARANCES

MEMBERS PRESENT

SENATOR DAVID ROBERTI, Chairman  
SENATOR WILLIAM CRAVEN, Vice-Chairman  
SENATOR JOHN DOOLITTLE  
SENATOR HENRY MELLO  
SENATOR NICHOLAS PETRIS

MEMBERS ABSENT

NONE

STAFF PRESENT

CLIFF BERG, Executive Officer  
PAT WEBB, Committee Secretary  
RICK ROLLENS, Consultant on Bill Referrals  
NANCY MICHEL, Consultant on Appointments

ALSO PRESENT

PAUL W. CANE, Director,  
California Exposition and State Fair  
SENATOR LEROY GREENE  
ANNIE ALEXANDER, Superintendent,  
California Institution for Women,  
Department of Corrections  
ANNIE ALEXANDER, Member,  
Board of Corrections  
JEFF THOMPSON, Assistant Chief Administrative Officer  
California Correctional Peace Officers Association  
REBECCA JURADO, Staff Attorney,  
ACLU Foundation of Southern California  
EDWARD VEIT, Deputy Director  
Parole and Community Services Division  
Department of Corrections



APPEARANCES (Continued)

ELLEN M. BARRY, Director  
Legal Services for Prisoners with Children

ROBERT and PAULA BUNNEY, Parents  
Inmate at CIW

MONIKA LEE, Attorney  
Heller-Ehrman, San Francisco





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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: Governor's Appointees, Paul Cane, Director of the California Exposition and State Fair.

MR. CANE: Yes, sir. My name is Paul Cane. I'm here for confirmation of my appointment.

CHAIRMAN ROBERTI: We'll ask you what we ask all the Governor's Appointees, and that is why you feel yourself qualified to take on this responsibility?

MR. CANE: I think mainly because of the experience that I've had in management and communications, and in addition to that, for a number of years I have raced, and in turn we breed thoroughbreds. So, on those three grounds, Senator, I think I'm qualified.

CHAIRMAN ROBERTI: Is there any discussion or debate? Is there any opposition?

I'd like you to know that Senator Greene wanted to be here to register his support.

SENATOR CRAVEN: There being none, Mr. Chairman, I would move Mr. Cane's nomination to the Floor.

CHAIRMAN ROBERTI: Senator Craven moves Mr. Cane's nomination to the Floor.

Let me just ask you a couple of questions.

Cal Expo is a losing financial proposition for the State. What I generally ask most of the Appointees to the Fair Board, or in your case the Director, is what do we do --

MR. CANE: What has been, I'm aware of that.





1 CHAIRMAN ROBERTI: -- to turn things around?

2 MR. CANE: My understanding is that in recent times, the  
3 reliance of the Cal Expo operation on State funds has diminished,  
4 has decreased, and I think that since the management of Cal Expo  
5 has changed over the last year, and I think for the better, and  
6 several Directors have come on board, I think that the  
7 organization impresses me as moving in the right direction. I  
8 think it's a pretty strong operation.

9 In addition to that, substantial emphasis is being  
10 placed on what we call interim events.

11 CHAIRMAN ROBERTI: Increment rents?

12 MR. CANE: Interim events.

13 CHAIRMAN ROBERTI: Interim events?

14 MR. CANE: Interim events, in an attempt to bring in  
15 revenue during the period of the year when the State Fair is not  
16 being held. The intertrack wagering, for example, with which  
17 you're familiar, is bringing in substantial revenue. A lot of  
18 consideration is being given on a longer term basis to leasing  
19 some small amounts of property for whatever purposes, perhaps  
20 hotel or something of that nature.

21 I think that the prospects are for a decreasing reliance  
22 on State funds.

23 CHAIRMAN ROBERTI: What exactly are some of the interim  
24 events that have been planned?

25 MR. CANE: They're working with a recreational vehicle  
26 show now. There is flea market activity that was experimented  
27 with. The intertrack wagering has been the most successful one,  
28 things of that nature.



1           We're making an effort through stepped up marketing  
2 activity to generate broader awareness of the availability of the  
3 facilities, space, and so forth, to attract additional things  
4 throughout the year -- throughout the years, I should say.

5           CHAIRMAN ROBERTI: What about the days of the State Fair  
6 itself? Have there been any proposals for the days of the State  
7 Fair itself to increase either revenues or public participation?

8           MR. CANE: Well, what we're trying to do, I don't think  
9 it's going to be something that can be accomplished immediately,  
10 I have a keen interest in it and I know two or three others on  
11 the Board, Senator Greene himself does, recognizing that the  
12 preeminence of the State of California, the fact that it does  
13 have a State Fair.

14           The State Fair, while properly, legally oriented heavily  
15 to agriculture, should have a representation that more thoroughly  
16 or adequately depicts some of the leading activities within the  
17 State: motion pictures, for example. We're making a  
18 concentrated effort currently to do something about having heavy  
19 motion picture identification at this year's Fair. Television,  
20 the high tech industry, the thoroughbred industry, the breeding  
21 industry in California, things of that nature, so that the  
22 California State Fair, we hope, will be able to move in the  
23 direction of being a pretty thorough representation of what  
24 California is in terms of industry and agriculture.

25           CHAIRMAN ROBERTI: Any other questions of Mr. Cane? Any  
26 opposition in the audience?

27           Secretary will call the roll.  
28



1 SECRETARY WEBB: Senator Doolittle. Senator Mello.

2 SENATOR MELLO: Aye.

3 SECRETARY WEBB: Senator Petris. Senator Craven.

4 SENATOR CRAVEN: Aye.

5 SECRETARY WEBB: Senator Roberti.

6 CHAIRMAN ROBERTI: Aye.

7 The Chair notes that Senator Greene is here in support  
8 of Mr. Cane's confirmation.

9 The vote is three to zero; confirmation is recommended  
10 to the Floor.

11 Congratulations.

12 MR. CANE: Thank you, Senator.

13 CHAIRMAN ROBERTI: Next is Ms. Annie Alexander for two  
14 positions, and we'll hear both of them at the same time since  
15 they are related: Superintendent of the California Institution  
16 for Women with the Department of Corrections; and Member of the  
17 Board of Corrections.

18 Ms. Alexander, we'll ask you the same question we ask  
19 all the Governor's Appointees, and that is why you feel you're  
20 qualified to assume these positions?

21 MS. ALEXANDER: Well, I believe I'm qualified to assume  
22 the positions, first of all, because of my background and  
23 experience.

24 I began my career with the State of California in 1960  
25 as a psychiatric technician at Patton State Hospital. I worked  
26 in that capacity for six years, or until 1966, when I became an  
27 L.V.N. and worked both those classifications until 1970, when I  
28





1 completed my Bachelor of Arts degree at Cal State San Bernardino.  
2 And at that time I began to work as a group supervisor for San  
3 Bernardino County Juvenile Department.

4 I came to the Department of Corrections in 1972 as what  
5 was then determined as a WCS I, a Women's Correctional  
6 Supervisor I. I worked at the California Institution for Women  
7 for approximately two years before I transferred to the  
8 California Rehabilitation center as a correctional officer.

9 I went from correctional officer at the Men's Unit to  
10 correctional sergeant in the Women's Unit, and then to  
11 Correctional Counselor I at the California Institution for Men,  
12 and back to the Women's Unit as a correctional lieutenant.

13 After working as a correctional lieutenant and a  
14 correctional supervising counselor at the California Institution  
15 for Women, I transferred to CTF Soledad as a program  
16 administrator. I worked there as a program administrator and  
17 correctional administrator until I was appointed to the current  
18 position of Superintendent.

19 Having worked in line positions, management positions,  
20 and administrative positions, I think I have a working knowledge  
21 of the institutional setting.

22 Further, I like working with people. I believe that  
23 people are an integral part of the organization. I have come  
24 from an institution that has some of the not only departmental  
25 problems, but problems that are unique to CIW.

26 When I got there, I had a chance to take a look at all  
27 the areas, do an audit of all of the areas in the institution.  
28





1 And I found two that were quite significant, those being the  
2 medical concerns and over crowding. Those two issues are  
3 currently pending litigation, but they were top priority to me,  
4 partially because of the need to operate the institution in a  
5 safe and secure manner, and the other because of some of the  
6 questions, problems and concerns that were brought to my  
7 attention on the part of the women and the staff.

8 As a result of some of the issues that were brought to  
9 me, I had a departmental audit conducted on the Medical  
10 Department to find out from a different perspective what those  
11 concerns were. Primarily the concerns were a need for additional  
12 training on the part of the staff, a need for redistribution of  
13 staff duties to enhance communications and redistribute the work  
14 load, and the other was to take a good look at the operational  
15 concerns of the institution.

16 We had also received a study from Prison Match, so I  
17 took the recommendations from Prison Match, from the departmental  
18 review and from staff observations, and we incorporated all of  
19 those to make some changes in what we perceived as the need for  
20 better operations within that department.

21 Some of the things that we have done as a result is  
22 currently we screen all the women for pregnancy upon their  
23 arrival to the institution. We provide training for the nurses  
24 in OB care at San Bernardino County Hospital. We house the  
25 pregnant women adjacent to the infirmary so that they have  
26 immediate access to emergency or availability to care. We've  
27 established ongoing communications with Riverside General  
28



1 Hospital where we contract our medical care. We've hired an  
2 OB/GYN consultant. We've provided training for our supervisory  
3 nursing staff. We've hired an additional staff psychiatrist.  
4 We've provided a method of communication through the Women's  
5 Advisory Council, the Medical Department and my office as a  
6 vehicle to help women resolve whatever concerns they may have.

7 We provide weekly educational classes for the pregnant  
8 women through the San Bernardino County Maternal/Child Health  
9 Care Program. We've changed the delivery of medication, the  
10 medical scheduling for the inmate population. We've established  
11 medical protocols, and we review the -- we have reviewed the  
12 revised procedures to enhance the ongoing delivery of service.

13 I believe that the policies and procedures that we have  
14 placed in effect will insure ongoing quality care.

15 The institution is over crowded. We have, since I've  
16 been at the institution, initiated another camp. We have planned  
17 an additional camp. The first camp houses 80 women; the next is  
18 to house 120.

19 We have increased our capacity to house women at the  
20 California Rehabilitation Center. We have doubled all available  
21 beds in the institution. We've opened three new dormitories. We  
22 have had activation approved for the conversion of the auditorium  
23 to 100-bed dormitory. We have planned for conversion of the  
24 choral, the library and the mail room. We have plans for 100-bed  
25 Security Housing Unit, and we've also -- we're also continuously  
26 looking at what we can do to handle the ongoing increase in the  
27 population while we provide and operate the institution in a safe  
28 and secure manner.



1           When I left CTF, we were over crowded there. We are  
2 running CIW now at a capacity of between 208-213 percent  
3 capacity. We are attempting to find different ways to deal with  
4 that, and this is an extension of what I had to do at the  
5 Correctional Facility at Soledad.

6           So, for all of those reasons, I believe that I'm  
7 qualified to do the job.

8           CHAIRMAN ROBERTI: Thank you very much, Ms. Alexander.

9           What is the current capacity of CIW?

10          MS. ALEXANDER: Capacity?

11          CHAIRMAN ROBERTI: Yes.

12          MS. ALEXANDER: It's 213 percent. Design capacity is  
13 926, but we're running it at 213.

14          CHAIRMAN ROBERTI: So you're running almost at 2,000?

15          MS. ALEXANDER: Right.

16          CHAIRMAN ROBERTI: How do you accommodate the overage?  
17 Double celling?

18          MS. ALEXANDER: Yes. We've double-celled all of the  
19 available beds in the general population and in the lockup units  
20 to accommodate the increase, and that's why we opened the  
21 dormitories, and that's why we have the contingencies for the  
22 other areas.

23          CHAIRMAN ROBERTI: When a woman is tested and found to  
24 be pregnant --

25          MS. ALEXANDER: Yes.

26          CHAIRMAN ROBERTI: -- what is the procedure?  
27  
28







1 MS. ALEXANDER: When she's tested and found to be  
2 pregnant, she is seen initially by a doctor. If she is tested  
3 and found to be pregnant, then she's referred to the nurse  
4 practitioner. The nurse practitioner reviews here and then  
5 refers her case to the OB/GYN specialist that we have hired about  
6 six weeks ago.

7 The OB/GYN specialist will see the woman on an interim  
8 basis. After the initial visit he sees her on the third month,  
9 the fifth month, the seventh month, unless she's determined to be  
10 high risk, and then he schedules her appoints accordingly.

11 CHAIRMAN ROBERTI: In what I would take as a normal  
12 non-high risk situation, she is regularly visited or visits --

13 MS. ALEXANDER: Once a month.

14 CHAIRMAN ROBERTI: -- the obstetrician?

15 MS. ALEXANDER: No.

16 CHAIRMAN ROBERTI: The nurse practitioner?

17 MS. ALEXANDER: Right, and sporadically by the OB/GYN.

18 CHAIRMAN ROBERTI: How often, would you say, the OB/GYN  
19 would see her?

20 MS. ALEXANDER: He would see her -- well, he comes to  
21 the institution every Wednesday.

22 CHAIRMAN ROBERTI: How many women, roughly speaking, at  
23 any one particular time, say like right now, would be pregnant?

24 MS. ALEXANDER: Currently we have 27, and we have had a  
25 many as 45.

26 CHAIRMAN ROBERTI: How are they celled?  
27  
28



1 MS. ALEXANDER: They are celled in the general  
2 population until such time as there's a need to move them  
3 adjacent to the dormitories by the infirmary. We have  
4 established two dormitories for pregnant women that are  
5 immediately adjacent to the infirmary.

6 If they have a particular problem, they are housed in  
7 that dormitory or, if they are almost to term, we usually house  
8 them there at about seven months, or if they have a particular  
9 problem.

10 CHAIRMAN ROBERTI: When the baby is born, what is the  
11 normal procedure?

12 MS. ALEXANDER: After the baby is born?

13 CHAIRMAN ROBERTI: Right. I take it she goes to  
14 whatever you call this medical facility.

15 MS. ALEXANDER: Uh-huh.

16 CHAIRMAN ROBERTI: Then, after the standard recuperation  
17 time, what is the procedure with the mother and the child?

18 MS. ALEXANDER: The woman goes to Riverside General  
19 Hospital for delivery. Once she is released by the doctor, she  
20 is returned to the hospital -- to our infirmary, rather. She  
21 stays there until the doctor releases her, then back to the  
22 general population.

23 CHAIRMAN ROBERTI: How long does the baby remain with  
24 the mother?

25 MS. ALEXANDER: The baby remains with the mother at  
26 Riverside General Hospital, just as any other patient in the  
27 community, unless for whatever reason the woman has made -- she  
28



1 has made arrangements before she leaves the institution about  
2 what happens with the baby, whether that baby is placed for  
3 adoption, or whether it goes to her family, or whether she's been  
4 approved, for instance, for the program where she takes the baby  
5 with her.

6 CHAIRMAN ROBERTI: How many are in that program, out of  
7 27?

8 MS. ALEXANDER: Out of --

9 CHAIRMAN ROBERTI: Out of, say, 27-45 women at any given  
10 time who would be pregnant -- I guess we're talking about  
11 post-delivery, though. For post-delivery, how many would be on  
12 your special program where she can take the baby with her?

13 MS. ALEXANDER: I don't know. It all depends. We don't  
14 have any who's on the program and at the institution.

15 I don't know if I'm exactly understanding your question.

16 CHAIRMAN ROBERTI: You said you had a program where she  
17 could take the baby with here.

18 MS. ALEXANDER: The woman applies for that program  
19 initially when she comes to the institution, for example. At the  
20 time that she goes to Riverside General Hospital and delivers,  
21 then the baby goes with her rather than her returning to the  
22 institution.

23 CHAIRMAN ROBERTI: I understand.

24 How many women would be on the program out of, say, the  
25 27-45? How many would you sign up and approve for that program  
26 when they come to the institution pregnant?

27

28





1 MS. ALEXANDER: I don't have that exact count on how  
2 many would apply. It all depends on whether or not they would  
3 want to apply.

4 CHAIRMAN ROBERTI: You don't have a number?

5 MS. ALEXANDER: No.

6 CHAIRMAN ROBERTI: What were your recommendations? Do  
7 you have any recommendations to alleviate over crowding within  
8 the prison? I understand the construction of new prisons is  
9 obviously in order, but within the prison, have you made any  
10 changes, or have you pretty much felt that the status quo was the  
11 best avenue to pursue as far as dealing with over crowding, and  
12 specifically when you have special problem situations such as  
13 pregnant women? Have you instituted anything, or have you  
14 decided that the best thing to do is to keep the status quo?

15 MS. ALEXANDER: We've made a lot of changes since I've  
16 gone there. I think -- I believe that the over crowding impacts  
17 on all areas within the institution, not just any one particular  
18 area.

19 For instance, it impacts on the cafeteria. It impacts  
20 on -- it takes longer for us to feed. It takes longer for the  
21 women to get their medications. It takes more of everything.

22 So, we've made several kinds of changes. There was more  
23 acts of violence on the part of the women, so we had to institute  
24 some methods of control. We opened the Village Cafeteria earlier  
25 so that the women could get to work earlier. We changed the  
26 medication methods of delivery of service so that now we have the  
27 nurses going to the housing units to screen the women, for  
28





1 instance, for sick call. We changed the physicians' schedule of  
2 time so that they would have an opportunity to see the women when  
3 they are not at work. We've initiated some additional work crews  
4 with Cal Trans and the gun range crew at Prado.

5 There's ongoing changes due to the impact of over  
6 crowding. If you're asking if I'm making any recommendations  
7 rather than -- rather than the interim requirements, I believe is  
8 what you're asking?

9 CHAIRMAN ROBERTI: Yes.

10 MS. ALEXANDER: No, I haven't to this point, no. I've  
11 just been to date attempting to deal with the over crowding  
12 problem.

13 CHAIRMAN ROBERTI: You mentioned something about  
14 violence. Has there been an increase of violence?

15 MS. ALEXANDER: Yes.

16 CHAIRMAN ROBERTI: To what degree? What do you  
17 attribute it to?

18 MS. ALEXANDER: We had complaints from the women that  
19 they were getting items stolen from them more. We had pressure  
20 groups that existed. We more fights.

21 So, we took a look at that and changed the procedures,  
22 for instance, for visiting and for the staff to supervise the  
23 areas. We did not allow visiting in the rooms any more, or from  
24 one cottage to another, and we require the staff to go up and  
25 down the halls like every half hour so they could visually look  
26 inside the rooms and find out what's going on.

27

28



1 CHAIRMAN ROBERTI: Have you had lockups or something of  
2 that order?

3 MS. ALEXANDER: Have I had --

4 CHAIRMAN ROBERTI: Yes.

5 MS. ALEXANDER: We've locked the institution once since  
6 I've been there.

7 CHAIRMAN ROBERTI: You've been there for how long?

8 MS. ALEXANDER: I've been there since May of last year.  
9 For three days.

10 CHAIRMAN ROBERTI: How regularly is there generally a  
11 lockup? Once a year? You've had one since May. Is that normal  
12 or abnormal?

13 MS. ALEXANDER: I suppose that was abnormal. I gather  
14 that there had not been one at least five years before, and there  
15 hasn't been one since, so I gather that was abnormal.

16 CHAIRMAN ROBERTI: To what did you attribute that?

17 MS. ALEXANDER: Well, that was because a group of  
18 inmates were fighting outside of the dorm, and we didn't know  
19 exactly what caused it so we locked them up until we could find  
20 out what was going on.

21 CHAIRMAN ROBERTI: How long of a period was this?

22 MS. ALEXANDER: Three days.

23 CHAIRMAN ROBERTI: Any other questions?

24 Senator Mello.

25 SENATOR MELLO: I wanted to ask whether or not you're  
26 implementing the Arts in Correction Program?

27

28



1 MS. ALEXANDER: Yes, we have one arts facilitator. She  
2 is assisted by three inmate assistants, or three of the women,  
3 one who works with the Support Care Unit, and one who works in  
4 the general population. We also have a person who comes 20 hours  
5 a week -- well, she works 10 hours for us and 10 hours for CIM.  
6 She works through the collaborative part funded by Cal State out  
7 of Los Angeles.

8 We have a 15-woman crew who works in the general  
9 population and in the community. They are the ones that do the  
10 murals and what have you.

11 We also have four women who have applied for grants.

12 So, it's a viable program thus far. We have pending  
13 right now classes for basketry, portraits, and there's a couple  
14 of others that I don't remember right now, but we have four or  
15 five programs that are pending. And the ones that they are  
16 involved in right now are the murals that are prepared on an  
17 ongoing basis, and that's a regular job for them. There's 15  
18 women involved in that.

19 SENATOR MELLO: Have you been able to track some of the  
20 inmates that have gone through the Arts in Correction Program to  
21 see whether or not it's helped them once they've got out in  
22 finding jobs?

23 MS. ALEXANDER: I have not tracked them, Senator, no.

24 SENATOR MELLO: How do you know the program's working?

25 MS. ALEXANDER: Well it's working because I know that  
26 the women who are involved in it, they have painted all of the  
27 murals, for instance, in our Village Cafeteria, they are working  
28





1 in the Child Center, and they also have a pending program for the  
2 Visiting Center.

3 They prepare all of the paintings for the institution,  
4 and they go on some jobs in the community.

5 SENATOR MELLO: Do you think that's the reason for the  
6 program, is to use it for in-house types of painting, or do you  
7 think it has value for helping change the behavior of those who  
8 are incarcerated that would hopefully gain them marketable skills  
9 so they might land vocational jobs on the outside?

10 MS. ALEXANDER: I think it certainly could prepare them  
11 for a job on the outside. I think that's probably the reason why  
12 we have the four who have applied for the grants to continue.  
13 And I know the three that we have who are assistants, those are  
14 women who teach other women.

15 SENATOR MELLO: Have you had any of these persons who  
16 were in the program return back to your institution once they  
17 were released?

18 MS. ALEXANDER: No.

19 SENATOR MELLO: How would you grade the program just  
20 from your own experience? Is it worthwhile? Should it be  
21 expanded? Should it be cut or dropped?

22 MS. ALEXANDER: Well, I think it's definitely  
23 worthwhile. I think possibly with the additional funding it  
24 would probably give an incentive for more women to be a part of  
25 it. They -- the women look for jobs that they can see, I  
26 believe, the immediate benefit, and if -- if they could get the  
27 funding whereby they could see where they could expend their  
28



1 training, like the programs we're talking about that we have  
2 coming on line.

3 SENATOR MELLO: Have you asked for this additional  
4 funding yourself or not?

5 MS. ALEXANDER: No, I haven't asked. It's already been  
6 put in for the budget and that's supposed to be reviewed in  
7 April.

8 SENATOR MELLO: Is there a shortage of funding? Could  
9 you implement more persons if you had additional funding? Do you  
10 have a waiting list of people wanting to get into the program?

11 MS. ALEXANDER: I don't know whether we have a waiting  
12 list or not. I haven't checked it.

13 SENATOR MELLO: Thank you.

14 CHAIRMAN ROBERTI: Any further questions?

15 Is there anyone who wants to testify in support in the  
16 audience?

17 MR. THOMPSON: Senator Roberti and Members, Jeff  
18 Thompson with the California Correctional Peace Officers  
19 Association.

20 Last time you considered an appointment to CIW, we were  
21 opposed for purposes of lack of experience and so on.

22 In this situation we are extremely supportive of the  
23 Appointee in front of you. We'd urge your favorable  
24 consideration and a recommendation to confirm.

25 The reasons for that are Ms. Alexander's experience.  
26 Her relationships with line staff has been exceptional. The  
27 kinds of problems that we used to experience at CIW have  
28



1 evaporated, and we are strongly in favor of Ms. Alexander's  
2 appointment.

3 A couple of things that she may not have mentioned to  
4 you out of modesty, but I was reviewing the budget as you were  
5 asking certain questions about the operation at CIW this year. I  
6 think you also have to look at the fact that she's proposed two  
7 additional family visiting units to be placed at CIW. In fact,  
8 on the point I'd like to ask your help so the Leg Analyst doesn't  
9 cut this out. They do want to do that.

10 And she's also trying to initiate a horticulture  
11 program, and has money in the budget to improve the water system  
12 to allow that program.

13 She's doing good things as far as the inmate programs  
14 there are concerned, and my feedback from the chapter, the line  
15 staff there, is extremely favorable.

16 This is 100 percent improvement as far as we're  
17 concerned in the management there, and we're very pleased to  
18 recommend to you our recommendation for confirmation.

19 CHAIRMAN ROBERTI: Thank you very much.

20 Any other witnesses in support?

21 We'll take the opposition witnesses, but we're going to  
22 break for five minutes and then take other witnesses.

23 (Thereupon a brief recess was taken.)

24 CHAIRMAN ROBERTI: The Committee will reconvene.

25 Are there any witnesses now either in opposition or who  
26 are in neither opposition nor support but would like to comment  
27 on the appointment, please come forward.  
28





1 MS. JURADO: Good afternoon. My name is Rebecca Jurado.  
2 I am a Staff Attorney for the American Civil Liberties Union in  
3 Southern California.

4 For the past two years I have been an attorney who deals  
5 with the rights of women in prison, specifically the California  
6 Institution for Women.

7 I want to make clear to the Members of the Committee and  
8 to Ms. Alexander that the ACLU takes no position in terms of the  
9 confirmation. We are not here in opposition or in support of.

10 What we are here to do is to talk about what is going to  
11 happen at CIW. What we're going to do about the 213 percent  
12 capacity which is going to be increased to 255 percent.

13 CHAIRMAN ROBERTI: Senator Craven.

14 SENATOR CRAVEN: Yes, sir.

15 If I may, dear, I understand your statements thus far.  
16 And I was going to ask, did you testify before Senator Presley's  
17 group at all?

18 MS. JURADO: Yes, I did.

19 SENATOR CRAVEN: We really are here today, in my  
20 judgment and I'm subject to correction, to discuss the  
21 qualifications and those qualifications as they relate to this  
22 appointment.

23 All of those things that you're going to talk about, all  
24 of which are very, very important, I don't know that that's  
25 necessarily germane to this lady's confirmation hearing.

26 CHAIRMAN ROBERTI: Well, why don't we hear Ms. Jurado  
27 out and see if her comments are going to be addressed to what she  
28





1 feels Ms. Alexander will do to respond or not respond to the  
2 issues that she thinks are present in the prison.

3 If the testimony gets too far afield from the role of  
4 Ms. Alexander, then we'll call you on it.

5 MS. JURADO: Specifically what we're going to be dealing  
6 with is what Ms. Alexander described earlier, the provision of  
7 services to the inmates incarcerated at CIW, her ability to deal  
8 with staff, deal with violence, deal with feeding these women,  
9 deal with providing them educational programs and work programs  
10 so that they can meet their requirements while they're in prison.

11 As the Committee, I'm sure, is aware, inmates  
12 incarcerated in California are required to either work or go to  
13 school in order to get privileges.

14 At present, 213 percent of capacity, we're talking  
15 about, as Ms. Alexander mentioned earlier, conversion of the  
16 recreation facility, conversion of the choral which is a  
17 religious service area, conversion of the mail room and  
18 conversion of the library.

19 My question and my concern is, how are these services  
20 going to be provided after these areas are converted?

21 I would like to have an understanding from Ms. Alexander  
22 how these things will be taken care of.

23 CHAIRMAN ROBERTI: Through the Chair let me ask Ms.  
24 Alexander, how do you plan to provide these services which are  
25 customary at institutions in our state if the area is converted  
26 for housing?  
27  
28



1 MS. ALEXANDER: At the time that we made the contingency  
2 plans, we requested modules to replace the existing programs.  
3 For instance, currently where we have the mail room, we'd place  
4 that program in a module.

5 CHAIRMAN ROBERTI: Is that a prefabricated structure?

6 MS. ALEXANDER: Yes.

7 CHAIRMAN ROBERTI: I take it the module will be in  
8 operation until such time as we can reduce the prison capacity?

9 MS. ALEXANDER: Yes.

10 CHAIRMAN ROBERTI: The module size is roughly the same  
11 as the size --

12 MS. ALEXANDER: The size would not be -- the size of the  
13 building would not be exactly the same because of the physical  
14 structure. The module is just one long building, for instance,  
15 that we would make into office space.

16 CHAIRMAN ROBERTI: Where would the module be sited  
17 again? What space will the module be placed in?

18 MS. ALEXANDER: Well, there are several areas in the  
19 institution where we could place the modules. We're looking  
20 right now at placing them behind one of the housing units out next  
21 to the maintenance area.

22 CHAIRMAN ROBERTI: Is that taking up any space that used  
23 either for the administration of the prison or for the prisoners?

24 MS. ALEXANDER: No.

25 CHAIRMAN ROBERTI: Thank you.

26 Ms. Jurado.

27

28



1 MS. JURADO: If modules can be placed, I would suggest,  
2 I guess, that the existing facilities, such as the auditorium, be  
3 kept and modules be placed on the grounds in order to house women  
4 in a more appropriate manner than the auditorium which was not  
5 meant for housing facilities.

6 Along that same line, in 1981, \$1.7 million was  
7 appropriated for the construction of a 50-bed Security Housing  
8 Unit which Ms. Alexander mentioned earlier. In December of this  
9 year or last year, the Deputy Director of Corrections proposed  
10 and recommended that that plan be abandoned because it was cost  
11 prohibitive since none of the funds had been used since 1981 and  
12 it's now five years later, that it be abandoned and that instead,  
13 they proposed legislation to get more funds so they could build a  
14 100-bed administrative security unit.

15 Again in terms of the recreation facilities and other  
16 service areas available to the inmates, my concern would be  
17 whether that Security Housing Unit would better be used as an  
18 open dormitory facility for a nonsecurity housing as opposed to  
19 the auditorium, the choral, or library.

20 And again, plans that I have been seeing in terms of  
21 contingency plans include no plans to increase such things as  
22 showers within the facility, within the housing units. We are  
23 talking about a ratio of about 40-1 in terms of showers per  
24 inmate.

25 If the current plans were to go into effect, I believe  
26 that they would be permanent and not temporary so that any  
27 elimination of education, work, or recreation would be that, and  
28 it would an elimination and not an interim resolution.







1 I would ask that specific recommendation or specific  
2 plans be made so that these services can in fact be given to the  
3 women, and so that the idleness and the tension that is caused by  
4 over crowding does not lead to violence.

5 Ms. Alexander alluded to earlier that there has been an  
6 increase in violence, and as a result there has been a lockdown,  
7 lock-unlock procedure wherein an inmate is locked into or out of  
8 her room 40 minutes every hour.

9 My other concern is that with increase in population,  
10 inmates have to make choices between the different services  
11 available to them. If they want to go to the mail room, they may  
12 not be able to eat in the Village Cafeteria. If they don't eat  
13 in the Village Cafeteria, then they have to get their food from  
14 someplace else. If they want to go to medical services, they may  
15 not be able to do that without missing a day of work.

16 These are administrative and managerial issues that I  
17 think definitely fall into Ms. Alexander's purview as  
18 Superintendent of the institution, and I would again recommend  
19 that specific plans, definite plans, be provided for these  
20 questions.

21 CHAIRMAN ROBERTI: I would suggest, if there's no  
22 specific question of Ms. Jurado, that you, Ms. Alexander, in your  
23 rebuttal respond to some of the questions.

24 MS. ALEXANDER: Well, she raised several, and if I'm not  
25 mistaken -- I don't know if you want me to respond to this or not  
26 -- some of them are, I believe Ms. Jurado, some of the issues  
27 that are raised in litigation.  
28



1           Some of those I believe I have addressed in terms of the  
2 scheduling of services, the scheduling we have for the Medical  
3 Department, the late night clinic scheduling for the physicians  
4 where the women can see the doctor when they're off work or on  
5 their own time.

6           The issue of the toilets, the renovation that's  
7 happening right now in the gymnasium, on the one side there's 10  
8 additional showers, on the other side I believe there's 6  
9 additional toilets.

10          In terms of the services, we recognize that with the  
11 increase in the population that it impacts on the services and we  
12 are continuously reviewing those to insure that women are getting  
13 services that they need.

14          We do not provide mandatory kinds of services whereby a  
15 women has to make a choice, for instance, about whether she goes  
16 to eat or whether she receives medical services.

17          MS. JURADO: The reason that I mentioned that, and I  
18 talked to several different women who -- it's not mandatory, but  
19 in terms of time constraints it's necessary for them to do that.

20          In terms of the facilities that Ms. Alexander mentioned  
21 for the auditorium, I understand they are going to be facilities,  
22 showers and sanitary facilities put into the auditorium.

23          What I'm addressing is the fact that on a unit that has  
24 120 cells, we have 240 women, a dorm with 16, and another dorm  
25 going into the card room. No additional toilet facilities, no  
26 additional shower facilities exist in those units. And that is,  
27 I believe, five units in the general population.  
28



1           There is also a dormitory in what is called the  
2 psychiatric treatment special custody unit, and the Reception  
3 Center at this point is also at over 200 percent of capacity.

4           Those are the concerns that I have. New construction,  
5 their concern there is the elimination of any kind of  
6 recreational facilities for the women. Their outside recreation  
7 facilities consist of a -- what was described by someone at the  
8 institution as dirt, weeds, an ungraded track, and a baseball  
9 field that a home run can be hit at 75 feet.

10           If we take away the auditorium, these type of services,  
11 these recreations, which is very important to women who are --  
12 anybody who's being incarcerated for a long period of time, will  
13 be eliminated and will not be replaced.

14           My other concern is -- and it's unique to CIW, is that  
15 everybody there, or the whole entire women's population is housed  
16 in one facility. We're talking about Level I, which is very low  
17 security, to Level IV, which is very high security. That  
18 happens, I don't believe, anywhere else in the California prison  
19 system for the men. San Quentin may have a camp outside that's  
20 Level I and the inside being Level IV.

21           I think that in looking at alternatives, we have to  
22 realize that there may be more alternatives for the women in  
23 terms of camps and other programs based on their nonviolent  
24 commitment and low security risk classifications.

25           CHAIRMAN ROBERTI: Fine.

26           Ms. Alexander.  
27  
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1 MS. ALEXANDER: I think I mentioned earlier that an  
2 additional camp had already been planned. We have, through the  
3 classification process, already identified an additional 193  
4 women who are prepared and ready for camp. The camp that we're  
5 looking at right now is between Batista and San Gabriel.

6 The other issue that she mentioned was the recreational  
7 field. We have just be allotted additional funds, and it's in  
8 the process of renovating the recreational fields whereby we are  
9 now refurbishing the tennis court. There's basketball,  
10 volleyball, a couple of other areas that we're -- where we're  
11 renovating that whole area.

12 CHAIRMAN ROBERTI: Do you have anything else, Ms.  
13 Jurado?

14 MS. JURADO: Just again I would urge the Committee to  
15 get some definite answers to some of these very, very serious  
16 questions that Ms. Alexander will be facing during her  
17 administration at the California Institution for Women.

18 CHAIRMAN ROBERTI: Thank you very much.

19 Any other witnesses, please come forward.

20 MS. BARRY: My name is Ellen Barry. I'm Director of  
21 Legal Services for Prisoners with Children in San Francisco. I  
22 have been Director of the project for the last eight years. I've  
23 worked with women in prison in California and in New York for the  
24 last ten and a half years.

25 I'm going to address my comments, because Ms. Jurado  
26 addressed the overall question of over crowding, to two specific  
27 areas.  
28





1 Ms. Alexander did mention that -- her concerns about  
2 medical care. I will talk specifically about prenatal care.

3 Secondly, the alternative programs for mothers and  
4 children was a subject that was raised earlier, and I will talk  
5 about that.

6 I think it goes without saying that there have been  
7 extremely critically seriously medical care problems at CIW in  
8 the last number of years. Certainly the problems did not by any  
9 means start with Ms. Alexander, and we wouldn't want to give that  
10 impression.

11 We appear here today before the Committee in an advisory  
12 capacity, not to either support or take a position opposing Ms.  
13 Alexander's nomination, but rather to point out several critical  
14 problems that we hope the Committee will monitor and will satisfy  
15 itself progress is being made in these areas before the  
16 confirmation occurs.

17 Specifically we are concerned about prenatal care, not  
18 necessarily about the problems that may have existed several  
19 years ago, but about current problems. We are encouraged to see  
20 that there have been some efforts made on the part of the  
21 Department, and this past March we did see the contracting with  
22 an OB at CIW. We hope that that's an indication that that will  
23 continue.

24 At the time that our agency interviewed clients at CIW  
25 in June of this past year, there were critically serious  
26 problems. We had one woman who lost her baby at 5½ months with  
27 no treatment; a second woman who lost her baby at 7½ months and  
28



1 also had a hysterectomy; a third woman who gained 120 pounds  
2 during pregnancy with to no treatment for toxemia; a fourth woman  
3 who suffered a uterine prolapse and with no treatment ended up  
4 with a hysterectomy.

5 We could go on. It's not confined to a handful of  
6 women.

7 Unfortunately I would like to say that at the time of  
8 the filing of the law suit in September of this past year those  
9 problems ceased. I would like to say that, except that we have  
10 several other instances where women have lost their babies at  
11 late term, have suffered miscarriages, and we feel did not  
12 receive appropriate emergency treatment.

13 We see several specific problems still existing at CIW.

14 CHAIRMAN ROBERTI: How frequent is that?

15 MS. BARRY: There was a very late term miscarriage in  
16 September; two -- one other that occurred in November, as well as  
17 a women who --

18 CHAIRMAN ROBERTI: Out of how many pregnancies?

19 MS. BARRY: It's difficult to get a handle on that  
20 figure, Senator, because we have a population that's in flux. As  
21 Ms. Alexander pointed out, there have been as many as 47 women  
22 who have been pregnant at any one time.

23 Most of these women are high risk, and that leads to  
24 additional problems in terms of the needs to provide --

25 CHAIRMAN ROBERTI: Why is that? Do they have something  
26 like a drug problem?

27

28



1 MS. BARRY: That's one of only a large number of  
2 factors. High risk pregnancies are defined as those where women  
3 have suffered miscarriages previously, or abortion histories, or  
4 where they've had histories of diabetes, epilepsy, high blood  
5 pressure, heart disease, and because of the poor health histories  
6 of a lot of these women, they are classified as high risk.

7 Our concerns are that specifically with respect to Ms.  
8 Alexander and with respect to the Legislature, because we can  
9 talk about details, and I don't think that that's productive at  
10 this point.

11 We are encouraged by the amount of progress that has  
12 been made at this point. We hope that that's an indication by  
13 the Department of Corrections that they are serious in working to  
14 come up with specific solutions to the critical prenatal care  
15 problems.

16 We urge the Legislature to remain in a monitoring  
17 function. We have a bill pending -- there is a bill pending  
18 before this Legislature which would have the Maternal/Child  
19 Health Division of the Department of Health perform a certain  
20 monitoring function within the prison, and we see that as an  
21 encouraging move, but we see there being a greater role for the  
22 Legislature to watchdog this very important crisis.

23 Secondly, Senator, you specifically were concerned about  
24 what happens with babies who are born to these mothers. These  
25 babies are removed from their mothers within 24-48 hours after  
26 the babies are born. There has been significant research in the  
27 area of maternal-child bonding that suggests that this is a  
28 shocking and traumatic experience for the infant.







1           There is a solution which is not being fully utilized,  
2 and that is the Mother/Infant Care Program. The Superintendent  
3 did mention that those beds are being filled, those beds that  
4 exist. There are only 27 bed spaces throughout the state for  
5 those placements.

6           Our concern is that those bed spaces be expanded so  
7 that, one, they reduce the over crowding at CIW; and two, they  
8 solve the problem of infants being removed from mothers who have  
9 very short-term, very light, low security sentences.

10          Our expectation is that several hundred women and then  
11 their children could be accommodated in that program, and we hope  
12 that the Department takes strides, and we expect to work that  
13 through so that there are at least several hundred more beds.

14          This program is cost effective. It also, as I  
15 mentioned, can at least move toward the problem of alleviating  
16 some of that over crowding.

17          CHAIRMAN ROBERTI: On this issue, do you have any plans,  
18 are are you in the process of trying to implement this program?

19          MS. ALEXANDER: We have been implementing the program.

20          I think for the sake of the Committee, CIW only  
21 maintains one part of the program. The focus is on CIW, but we  
22 only process the applications. The woman comes to us; we give  
23 her the application. We give her the orientation package for the  
24 expectations in the institution, which includes the Mother/Infant  
25 Care Program. That's given to her upon her arrival to the  
26 institution.  
27  
28



1           Then, if she wants to be a part of that program, she  
2 files an application. We have the orientation package prepared  
3 both in Spanish and in English; we have the application prepared  
4 both in Spanish and in English. Every woman must go through the  
5 classification process. As a part of the classification process,  
6 the program is also explained to her and that is so documented.

7           If the woman applies for the program when she applies to  
8 her counselor, then it goes to the Correctional Counselor II who  
9 keeps all the records of that and insures that the contact is  
10 made with the community as to whether or not she's a fit or unfit  
11 mother. Then that goes to the field. That's under the  
12 jurisdiction of parole.

13           They then make a determination about whether or not the  
14 woman is eligible for the program and send it back to us.

15           So, we are notifying the woman through orientation,  
16 through application, through the classification process, through  
17 referral to the community, and through referral to parole in a  
18 timely manner.

19           CHAIRMAN ROBERTI: So for a woman who would be, say, a  
20 short-term and low security risk, is there currently in process  
21 at CIW some system whereby the baby can remain with its mother?

22           MS. ALEXANDER: At CIW?

23           CHAIRMAN ROBERTI: No, not at CIW. For women who have  
24 entered CIW and then they deliver, there is a program where they  
25 can have the baby, as the witness indicated, for a shorter term?

26           MS. ALEXANDER: Yes.  
27  
28



1 CHAIRMAN ROBERTI: Lesser risk woman --

2 MS. ALEXANDER: Yes.

3 CHAIRMAN ROBERTI: -- for a longer period of time?

4 MS. ALEXANDER: Yes.

5 MR. VEIT: Chairman Roberti, I'm Ed Veit. I'm Deputy  
6 Director of the Parole Division.

7 We currently have facilities in San Diego, Los Angeles  
8 and in San Jose. We are looking for some facilities in San  
9 Francisco, Alameda County, the Sacramento-San Joaquin Valley, and  
10 additional beds also in the Los Angeles and San  
11 Bernardino-Riverside area.

12 We are hopeful that by the end of this year we'll have  
13 approximately 100 beds on line. As of today, I checked before I  
14 came over here, we have 29 women in the program as of today.

15 MS. BARRY: I think it is definitely fair to say that  
16 the CIW, subsequent to the filing of the law suit, has made great  
17 strides to clean up the application process and the notification  
18 process.

19 We still have some problems with the screening process,  
20 and that is in process. But there's a limitation of course. If  
21 we have 29 beds spaces statewide, and we have over 2,000 women at  
22 the institution, there is an upper ceiling on the Department at  
23 this point.

24 We would like to encourage this Committee to use its own  
25 means to encourage the expansion of bed spaces because in fact we  
26 can all agree that we have a critical over crowding problem. We  
27 also have a program which has a lot of benefits, and it's  
28





1 certainly a complex program. The Department of Corrections is  
2 not by any means the only actor in that program because we also  
3 have the community services involved, and we also have, of  
4 course, the Department of Parole and Probation. The entire  
5 network has to be working.

6 But our position as witnesses today is that we should  
7 use this unique opportunity. We have gotten -- our agency, Legal  
8 Services for Prisoners with Children, has gotten a number of  
9 inquiries nationwide from legislators who are looking at  
10 implementing a similar program in their own communities. This is  
11 a unique program which doesn't exist anywhere else in the county.  
12 And I think it is incumbent upon us to utilize that program fully  
13 and effectively.

14 I'd like to very briefly say there's one last issue I'd  
15 like to raise which is the visiting question at CIW that Ms.  
16 Jurado mentioned, that there were problems with the expansion and  
17 the overcrowding, and the fact that the visiting room was quite  
18 limited.

19 We are very concerned about that because numbers of  
20 visitors have reported to us that there's a cap on visiting. I  
21 believe -- I'm not exactly sure what it is at this point; it may  
22 be 200 per day. But that because of that, visitors come 800  
23 miles to 1,000 miles for visits, and visits have been cut short.  
24 Again, this is a problem that is intrinsically connected to the  
25 over crowding.

26 The second concern I have is actually much more  
27 pressing, and that is that we've received a number of complaints  
28



1 in the last six months about children being strip searched, and I  
2 would like to ask this Committee to make an inquiry into that  
3 area and to request that the Department of Corrections --

4 CHAIRMAN ROBERTI: What is the policy on strip  
5 searching?

6 MS. ALEXANDER: We do not routinely strip search anyone,  
7 but if there's probable cause, we may search anyone, and that  
8 includes children.

9 MS. BARRY: We had a case reported --

10 MS. ALEXANDER: I am not aware of -- I have not received  
11 any complaint from anyone relative to a child being strip  
12 searched.

13 As I said earlier, I do have a vehicle, both through the  
14 Women's Advisory Council, and I have an open door policy for the  
15 staff and the women, and I get complaints on a daily basis. And  
16 I believe if this had been a concern of the women, that that  
17 would some how have come to my attention and it has not to date.

18 MS. BARRY: We received a complaint about four days ago  
19 from a mother of a five-year-old boy who had been strip searched  
20 by two female officers. And it's our understanding that the  
21 policy is that in any case, if anyone is strip searched, it's by  
22 the same sex officer.

23 We have some real concerns about the necessity to strip  
24 a five-year-old boy, and particularly given the fact that this  
25 case did not involve a situation where the mother was convicted  
26 of or even suspected of being a drug user.

27

28



1           In summary, what I'd like to request that the Committee  
2 do is to take under advisement these three areas, and if you  
3 would, satisfy yourselves that sufficient progress has been made  
4 in the areas of prenatal care, of implementation of the  
5 Mother/Infant Care Program, and of specific problems around  
6 visitation.

7           CHAIRMAN ROBERTI: Thank you very much.

8           Would you like to conclude, Ms. Alexander?

9           MS. ALEXANDER: Yes, on the area of visiting, we have a  
10 process whereby when the Visiting Room become unduly crowded,  
11 that the person who's been in the longest is the first person to  
12 have to be terminated if the Visiting Room gets that full.

13           We've also made contingency plans to put the Visiting  
14 Room on a double shift if the visiting continues to escalate at  
15 the rate that it's going.

16           Overall I believe that in terms of the Mother/Infant  
17 Care Program, I have records sent to me now on a monthly basis  
18 from the counselor who is responsible for keeping the  
19 applications. I check on a monthly basis to see that the  
20 applications are filed in a timely manner, and that they're  
21 getting out in a timely manner.

22           As I said before, it's part of litigation; however, we  
23 are not -- we are not bound to encourage women to participate in  
24 that program, and I'm not aware of any woman who has filed who  
25 has a child six years or under. It's available for women who are  
26 pregnant or who have children six years or under. All the women  
27 that I'm aware of who filed are those who either came in pregnant  
28 or -- came into the institution pregnant.





1           We don't -- we explain the program to them. We do not  
2 encourage them to become a part of that. That's not within our  
3 jurisdiction at this time with the way the law is written.

4           The other area that she mentioned was prenatal. I  
5 believe that we have systems in place now with the screening of  
6 the women when they come into the institution for pregnancies,  
7 with the visits through the nurse practitioner and the OB/GYN  
8 specialist, with the contract that we have with our GH, with the  
9 visiting nurse who comes in from the community, with the  
10 additional training that we are providing for all nurses so that  
11 any nurse who may see a woman might be aware of her specific  
12 needs, with insuring -- with putting a procedure in place step by  
13 step what happens to that woman from the time that she comes into  
14 the institution through postpartum care. I believe that these  
15 procedures will insure a system for the ongoing quality of care  
16 of the women.

17           MS. BARRY: With all due respect, the report that those  
18 changes were based on was released just prior to the Senator  
19 Presley's hearings that Senator Craven mentioned in December, and  
20 Dr. Roberts came on staff, I believe, about two and a half weeks  
21 ago, a little bit more perhaps.

22           So I think that we're a little bit premature in terms of  
23 knowing how the system is going to work.

24           As I say, we're encouraged by the changes, but we see  
25 that there is substantial room for change at this point, and our  
26 concern today is that that process continue to be monitored.

27  
28



1 CHAIRMAN ROBERTI: I agree that it should be monitored  
2 both within the Legislature and internally within the  
3 institution.

4 Senator Petris has a question.

5 SENATOR PETRIS: I was interested in the conversion of  
6 the library. I didn't catch in your programs that you said are  
7 upcoming how that's going to be replaced.

8 MS. ALEXANDER: We have contingency plans in an attempt  
9 to prepare for the ongoing increase in the population.

10 SENATOR PETRIS: Is there any library use at all now?

11 MS. ALEXANDER: Oh, yes. The library is in existence  
12 now. It hasn't been renovated. That's a plan for the library,  
13 the mail room and the choral.

14 SENATOR PETRIS: What did you mean by conversion? I  
15 thought you said there was --

16 MS. ALEXANDER: We have made contingency plans for the  
17 conversion of those three programs, that program space.

18 SENATOR PETRIS: Okay. Thank you.

19 CHAIRMAN ROBERTI: Any further witnesses?

20 MRS. BUNNEY: I'm Mrs. Paula Bunney, mother of an inmate  
21 at CIW.

22 MR. BUNNEY: I'm Robert Bunney, father of a daughter.

23 The noise level is unreal in the units down there,  
24 especially evening hours when all inmates are in the unit and  
25 active. Radios and t.v.s blaring, staff does nothing about  
26 enforcing rules about excessive noise, and people who have jobs  
27 need the rest. They don't get much sleep that way. There have  
28



1 been occasions where at midnight, they've been cleaning and  
2 waxing the floors in the halls, clattering all that noise with  
3 people trying to sleep.

4           There's a serious shortage of cleaning and laundry  
5 supplies. No toilet bowl cleaner or disinfectant based cleaner,  
6 only Ajax cleanser, weak liquid soap, a small amount of laundry  
7 soap.

8           MRS. BUNNEY: There's a serious inadequate supply of  
9 feminine hygiene products, especially tampons. And the only  
10 showers they have are the original number of showers they had  
11 when they built that for 900 people, and with 2,000 you can  
12 imagine there are not enough showers for the double population,  
13 not enough hot water, limited time slots for showers, meaning  
14 that you may get in line to get a shower, and either the hot  
15 water will be gone or it's time for you to go back and get locked  
16 in again.

17           MR. BUNNEY: The cafeteria is filthy and roach infested.  
18 Frequent incidence of food poisoning. Inmates have to rely on  
19 canteen foods which results in an inadequate diet.

20           CHAIRMAN ROBERTI: Have there been frequent instances of  
21 food poisoning to your knowledge at the cafeteria?

22           MS. ALEXANDER: I'm not aware of any.

23           MRS. BUNNEY: We wonder about the priorities at the  
24 institution when we see planting of beautiful full grown trees in  
25 the front yard and well-manicured lawns, and yet these  
26 deficiencies are going on inside.

27

28





1           The recreation room was recently taken over for office  
2 space. The card room was taken over -- even more recently the  
3 card room was taken over for bunking.

4           Women are now sleeping on the floor, in halls, the  
5 Admissions Center.

6           MR. BUNNEY: Because of this over crowding, we're very  
7 concerned about the safety of the inmates down there. Last  
8 summer it almost boiled over, and this summer it's much more  
9 crowded. I don't know, it's liable to really boil over.

10          That's all I've got to say.

11          CHAIRMAN ROBERTI: Thank you very much.

12          I tend to think that there are several problems. I  
13 think they're all directly related to over crowding, which is  
14 something which I suspect is our problem in the Legislature and  
15 the Governor's problem every bit as much if not more so than  
16 yours.

17          If you'd like to make any further comments, Ms.  
18 Alexander?

19          MS. ALEXANDER: The only other comment I'd like to make  
20 is that I've said before, I recognize that over crowding is a  
21 problem, and that it impacts in all areas. However, I am also  
22 concerned about the safety and security of the women who are  
23 there and about staff who work there. I care about those  
24 concerns and those problems, and I'm going to do everything I can  
25 to insure that the staff are working in a safe and secure manner,  
26 and that the people who are incarcerated there are capable of  
27 doing their time in a safe and secure environment.  
28



1 CHAIRMAN ROBERTI: Thank you very much.

2 Further questions, Senator Petris.

3 SENATOR PETRIS: Yes, on over crowding.

4 How long has the over crowding been a problem? I know  
5 you're up to 2,013, whatever it is.

6 MS. ALEXANDER: I'm not sure exactly.

7 SENATOR PETRIS: How long have you been over capacity?

8 MS. ALEXANDER: Well, it was over capacity when I when  
9 there, which was May of last year.

10 SENATOR PETRIS: Prior to that, do you know what it was  
11 before?

12 MS. ALEXANDER: When it was built?

13 SENATOR PETRIS: No, do you know how long that over  
14 crowding has continued? How long has it been beyond the capacity  
15 for which it was built?

16 MS. ALEXANDER: Well, for some time. It was over 926  
17 when I was there as Correctional Counselor II, so --

18 SENATOR PETRIS: What year was that?

19 MS. ALEXANDER: It was '80, so it's been continuously  
20 rising. It's just reached these proportions that I'm aware of, I  
21 guess, in the last couple of years.

22 CHAIRMAN ROBERTI: The over crowding, by a chart that I  
23 have here by the California Department of Corrections, is that  
24 over crowding of the women's facilities is far more severe than  
25 the over crowding problem with the men's facilities. And  
26 especially that is the case in the last two years. It really  
27 demands some kind of adjustment.  
28



1 MS. ALEXANDER: Yes.

2 CHAIRMAN ROBERTI: The men's facilities in the last four  
3 years, there has been a slight increase on an up-and-down kind of  
4 basis, but for the women's facilities, the over crowding has  
5 doubled the capacity, from 110 percent to 190 percent in the same  
6 period of time the men's was going from 130 percent to 155. So,  
7 the impact upon the women's facilities is tremendously great and  
8 one that demands our attention and Ms. Alexander's attention.

9 Any further testimony, please come forward, and then  
10 Senator Mello.

11 MS. LEE: I'm Monika Lee. I'm an attorney with  
12 Heller-Ehrman in San Francisco.

13 For a number of years now the attorneys in my firm have  
14 worked together with the lawyers at the Employment Law Center,  
15 also in San Francisco, in addressing the problem that has already  
16 been mentioned tonight, and that's the discriminatory treatment  
17 of female prisoners in the provision of education and vocational  
18 education programs at the prisons.

19 In May of 1982, we filed a law suit on behalf of inmates  
20 of both CIW and CRC for Women seeking relief from this  
21 discriminatory treatment. I believe Ms. Alexander is aware of  
22 this law suit.

23 MS. ALEXANDER: One of many.

24 MS. LEE: The problems that we raised at that time, and  
25 which unfortunately have not been alleviated at all by now, are  
26 that male inmates have proportionately greater access to  
27 vocational work training programs and placement than women. No  
28





1 apprenticeship programs are available to women, while 15 such  
2 programs are available for the male prisoners.

3 Industrial experience for male inmates is more varied  
4 than for females. Females only have experience in the sewing  
5 industry.

6 The vocational programs available to the women enforce  
7 and perpetuate female stereotypes. Occasional work training  
8 programs in women's institutions utilize out of date equipment  
9 and techniques, which is unlike programs that are offered to the  
10 men.

11 The California system better prepares men to take jobs  
12 after their release. There are counseling programs available to  
13 them and job placement programs which are not available to the  
14 female prisoners.

15 It's been almost four years now since this suit was  
16 brought, and hardly anything has been done to better the  
17 situation. Two years ago, in May of 1984, an independent  
18 research group in Berkeley, which is called Tam Associates, has  
19 prepared a study for Wanda Briscoe, the Chief of Education of the  
20 California Department of Corrections. And this report, to a very  
21 large degree, confirmed the allegations that have been made in  
22 this law suit filed on behalf of the female prisoners. Among  
23 other findings, the report stated that vocational programs  
24 available to CIW inmates are inferior in both number and variety  
25 to those available at men's institutions. Of the more than 50  
26 different programs available throughout the system, only 7 are  
27 available to the CIW inmates, and of those, 4 are traditionally  
28



1 all female or office occupations. Sewing is still the only  
2 industrial experience available for CDC women.

3 In general, CDC women inmates still have very limited  
4 access to training in the higher paying skilled trades. This is  
5 the report done by an independent study group on behalf of Wanda  
6 Briscoe.

7 So, the system has been aware of these problems for many  
8 years now, but very little has been done. Two programs have been  
9 added, as we have learned, but three programs have been  
10 eliminated for the women so the situation has gotten no better on  
11 balance.

12 And the overcrowding, it seems, has only made things  
13 much worse because women need to get spaces, and spaces have not  
14 been increased so there are fewer available.

15 SENATOR CRAVEN: Do you think there's ever going to be a  
16 time when conditions in one of these institutions is, in your  
17 judgment, correct or perfect?

18 MS. LEE: We hope. That is what we're seeking. We're  
19 seeking at least an equal treatment.

20 SENATOR CRAVEN: Well, I know what you're seeking. What  
21 you're seeking takes time, takes millions of dollars, and  
22 millions of dollars in staffing, and any number of things.

23 I think everybody in the Legislature and people at large  
24 feel that they want to do what is the appropriate thing for  
25 people who are incarcerated. But I think that the very nature of  
26 their locale probably bodes, perhaps, not too favorably for them,  
27 that they're not going to enjoy all of those things that they  
28



1 would like to have, or you in your professional approach and  
2 rather altruistic attitudes would like them to have.

3 It's not Cal Poly.

4 MS. LEE: All we're asking is that the women receive the  
5 resources we realize are available, be made available equally to  
6 women.

7 SENATOR CRAVEN: I'm for that. I think that there may  
8 be a certain limitation as it relates to either the male  
9 prisoners or the female prisoners from the stand point of what  
10 you may involve yourself.

11 In other words, as I say, it's not a voc. school, voc.  
12 ed. school. It's not a polytechnic institution. It's a prison.

13 CHAIRMAN ROBERTI: I agree with the witness  
14 theoretically. The problem is when you're dealing with limited  
15 funds, and I'm just surmising what the problem may be. It's not  
16 a question of wanting to give women training in stereotypical  
17 roles. It is trying to come up with something that is generally  
18 -- maybe they're wrong and maybe they're right -- but the intent  
19 is to come up with something that is generally considered  
20 relevant to people based on numbers. And that being the case, an  
21 argument could be made that the with limited funds, sewing  
22 programs are not necessarily the programs that are going to be  
23 least appealing.

24 MS. LEE: We know from the women that they would like  
25 access to different programs. They are very concerned they will  
26 be in many instances the only support of their families once they  
27 get out.  
28





1 CHAIRMAN ROBERTI: I agree. I think diversity for  
2 anything is what is proper. And I hope we can approach it.

3 I think the concern is that our funds are so limited at  
4 this point. We're having problems with housing and whatever.

5 And I appreciate the point you're trying to make, and  
6 you are making it, and I think it's something we have to look  
7 into.

8 But I don't think that the intent is to, you know, throw  
9 out the sewing program and that's going to take care of women.  
10 You're dealing with limited funds and the desire to have  
11 something that preoccupies and is relatively appealing to people  
12 based on their numbers at any given institution. It's tough  
13 coming up with that.

14 SENATOR CRAVEN: Mr. Chairman, I'd like to ask this  
15 lady, what particular pursuits would the women like to have they  
16 don't presently enjoy?

17 MS. LEE: We have learned that several women would like  
18 to see a paralegal training program, which is available to the  
19 men, and it's not available to the women.

20 They would like more advanced office skills in terms of  
21 word processing --

22 SENATOR CRAVEN: Clerical or computers?

23 MS. LEE: Clerical work, that is what they will do when  
24 they come out. It's not that they want to do something  
25 outlandish, unheard of things. They just want to have job skills  
26 that will enable them to support themselves and their families.

27 SENATOR CRAVEN: Yes.  
28



1 Well, I'm just presuming that the prison, for some of  
2 the reasons that I've mentioned, follows the more traditional  
3 aspects, and perhaps what you say I don't doubt that it's very,  
4 very important, and something that they can sort of point toward.  
5 But I think it's going to take some time to implement because of  
6 what I've said before.

7 CHAIRMAN ROBERTI: Do you want to address this point,  
8 Ms. Alexander?

9 MS. ALEXANDER: I would just like to state the programs  
10 that we -- the vocational programs that we do have available.

11 We have graphic arts, vocational upholstery, word  
12 processing, data processing, vocational nursing, appliance  
13 repair, electronics, cosmetology, and a masonry program. That's  
14 what we currently have now.

15 CHAIRMAN ROBERTI: Any further questions?

16 Have you concluded?

17 MS. LEE: I have, thank you.

18 CHAIRMAN ROBERTI: Do I hear a motion.

19 SENATOR DOOLITTLE: Move the confirmation.

20 CHAIRMAN ROBERTI: Senator Doolittle moves confirmation  
21 for Annie Alexander for --

22 SENATOR CRAVEN: Both positions.

23 CHAIRMAN ROBERTI: -- the positions of Department of  
24 Corrections, Superintendent, California Institution for Women,  
25 and also Member of the Board of Corrections.

26 Both positions, one vote on both positions.

27 Secretary will call the roll.  
28



1 SECRETARY WEBB: Senator Doolittle.

2 SENATOR DOOLITTLE: Aye.

3 SECRETARY WEBB: Senator Mello.

4 SENATOR MELLO: Aye.

5 SECRETARY WEBB: Senator Petris.

6 SENATOR PETRIS: Aye.

7 SECRETARY WEBB: Senator Craven.

8 SENATOR CRAVEN: Aye.

9 SECRETARY WEBB: Senator Roberti.

10 CHAIRMAN ROBERTI: Aye.

11 The vote is five to zero and the motion carries;  
12 confirmation is recommended to the Floor for both positions.

13 Congratulations.

14 MS. ALEXANDER: Thank you.

15 (Thereupon this portion of the  
16 Senate Rules Committee hearing  
17 was terminated at approximately  
18 4:05 P.M.)

19 --oo0oo--  
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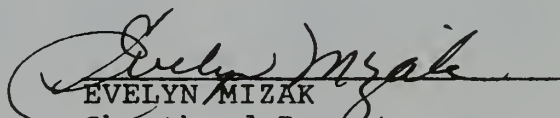
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day of April, 1986.

  
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APPEARANCES

MEMBERS PRESENT

SENATOR DAVID ROBERTI, Chairman

SENATOR WILLIAM CRAVEN, Vice-Chairman

SENATOR JOHN DOOLITTLE

SENATOR HENRY MELLO

SENATOR NICHOLAS PETRIS

STAFF PRESENT

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Appointments

ALSO PRESENT

GLEE EWELL, Member  
State Bar Board of Governors

JOHN K. GEOGHEGAN, Secretary  
Business, Transportation and Housing Agency



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GLEE EWELL, Member  
State Bar Board of Governors

1

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2

Questions by SENATOR PETRIS re:

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Types of BMQA Actions

3

BMQA License Revocations

3

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4

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JOHN K. GEOGHEGAN, Secretary  
Business, Transportation and Housing Agency

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Motion

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Termination of Proceedings

16

Certificate of Reporter

17





P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: Governor's Appointees appearing today, Ms. Glee Ewell, Member of the State Bar Board of Governors.

MS. EWELL: Good afternoon, Mr. Chairman and Members of the Committee.

I'm Glee Ewell from Fresno, California, being considered here today for confirmation as a public member of the State Bar Board of Governors.

CHAIRMAN ROBERTI: We'll ask you what we ask all the Governor's Appointees, and that's why you feel you're qualified to assume this position. Tell us something about your background.

MS. EWELL: I have been serving on the district level of BMQA, the Board of Medical Quality Assurance, for two and a half years before coming on eight months ago to the State Bar Board of Governors.

I feel with discipline a very timely topic within the State Bar at present, that perhaps my experience with the BMQA disciplinary system could be of help.

I'm also the chairman of the Fresno County Civil Service Commission and very aware of dealing with MOUs, and this is another matter that's been of timely importance with the State Bar recently. And I'm hopeful that I can provide some input there.



1 CHAIRMAN ROBERTI: Do you favor removing disciplinary  
2 practices from the State Bar?

3 MS. EWELL: I feel that that assessment would be  
4 premature right now on my part.

5 Since '83, the State Bar has been very concerned about  
6 discipline, and they have had this task force that's put in the  
7 new system, and I'm very hopeful of watching that go into effect.

8 It seems to me that already they've done some very good  
9 things. We just got some recent statistics that we have about  
10 three times the people resigning from the Bar than we did all of  
11 last year, of people being recommended for disbarment.

12 I just think our investigation procedure, the up front  
13 end is what's been slow, and we have a mandate from the  
14 Legislature in the last dues bill to cut that from a year to six  
15 months, and then we're down to about 18 months, hopeful to get to  
16 14 months, from the Notice to File Cause to the complete  
17 disposition of the case. So, I'm hopeful by that '87 deadline  
18 we'll be in good shape.

19 But at this point I would not want to make that  
20 assessment.

21 CHAIRMAN ROBERTI: Very good.

22 Any further questions? Senator Petris.

23 SENATOR PETRIS: To use as a comparison, can you run us  
24 through out BMQA works and what number of percentage of actions  
25 are taken?

26 Are they very busy? Are there a lot of doctors being  
27 disciplined?  
28



1 MS. EWELL: Yes, there's also, not pointing fingers, but  
2 when I was on that, we were always being concerned about the fact  
3 that we had a terrible backlog. You see, of course, the  
4 prosecution there is within the Attorney General's Office, and  
5 because of budget restrictions, their investigations were very  
6 slow. And the time was running like two and a half years on a  
7 case.

8 SENATOR PETRIS: What are the actions that the Board can  
9 take? Can they suspend a doctor from practice, or banish him  
10 permanently?

11 MS. EWELL: Well, and they have --

12 SENATOR PETRIS: What can they do?

13 MS. EWELL: -- various probation situations. Probation,  
14 for example, plus his going into a alcohol or drug abuse program,  
15 if that happened to be the nature of the problem. So, there are  
16 various types of restrictions of that kind.

17 And then they put them on probation and reporting into  
18 continuing education types of courses for period of time.

19 SENATOR PETRIS: In your last year there, for example if  
20 you recall, how many revocations of license to practice were  
21 there?

22 MS. EWELL: Sir, I was on the district level, and that  
23 was just District Nine, which is only a district within the  
24 state. I wasn't on the big board.

25 SENATOR PETRIS: What did that cover, five counties?

26 MS. EWELL: About four or five counties, and I would say  
27 we had maybe nine hearings. I did about 10 to 15 hearings to  
28 petitions to get off of probation.





1 Then, of course, all of our --

2 SENATOR PETRIS: Any expulsions at all during the year?

3 MS. EWELL: No.

4 SENATOR PETRIS: Just outright revocation of a license?

5 MS. EWELL: Outright, no. I think the three that I  
6 remember which cleared the last year were recommendations for  
7 suspension of privileges, and probation, and that kind of thing  
8 for that period of time.

9 SENATOR PETRIS: How about statewide, do you happen to  
10 know?

11 MS. EWELL: No, I don't. I'm all up on the statistics  
12 for the attorneys today.

13 (Laughter.)

14 SENATOR PETRIS: I was looking for a comparison.

15 The complaint about the attorneys' side is that there  
16 are very few revocations and there should be a lot more.

17 I'm looking for some kind of --

18 MS. EWELL: Right, and I don't have the figures. As I  
19 say, I know right now that we've had, last year, we -- they  
20 recommended for disbarment I think it was 22 or 24 the entire  
21 year. This year already we have 25 in the first three -- first  
22 quarter. So it is a significant --

23 SENATOR PETRIS: Business is picking up.

24 MS. EWELL: Well, actually what's interesting is the  
25 fact that since 1973, when we went to a formal structure for  
26 discipline, all the way down to today, the statistic is the same:  
27 For every 10 attorneys, you get one complaint. But in 1973, we  
28



1 had only 37,000 attorneys; today we have 101,000 inactive and  
2 active.

3 SENATOR PETRIS: The ratio figures the same.

4 MS. EWELL: So the ratio is very consistent, one for  
5 every ten. So, it's not that, you know, suddenly the attorneys  
6 have gone to pot.

7 SENATOR PETRIS: Thank you.

8 CHAIRMAN ROBERTI: Any further questions?

9 SENATOR CRAVEN: Move Ms. Ewell's confirmation to the  
10 Floor.

11 CHAIRMAN ROBERTI: Senator Craven moves Ms. Ewell's  
12 confirmation be recommended to the Floor.

13 Any opposition?

14 Seeing none, Secretary will call the roll.

15 SECRETARY WEBB: Senator Doolittle.

16 SENATOR DOOLITTLE: Aye.

17 SECRETARY WEBB: Senator Mello. Senator Petris.

18 SENATOR PETRIS: Aye.

19 SECRETARY WEBB: Senator Craven.

20 SENATOR CRAVEN: Aye.

21 SECRETARY WEBB: Senator Roberti.

22 CHAIRMAN ROBERTI: Aye.

23 The vote is four to nothing; confirmation is recommended  
24 to the Floor.

25 Congratulations.

26 MS. EWELL: Thank you very much. I'll try to do a good  
27 job.  
28



1 CHAIRMAN ROBERTI: Very good.

2 The next Appointment is Mr. John K. Geoghegan, Secretary  
3 of Business, Transportation and Housing.

4 MR. GEOGHEGAN: Good afternoon, Mr. Chairman and Members  
5 of the Committee.

6 CHAIRMAN ROBERTI: We'll ask you what we know already:  
7 Why do you feel you're qualified to assume this position?

8 MR. GEOGHEGAN: Well I think my 25 years of work  
9 experience and the makeup of that experience best indicates why I  
10 believe I'm uniquely qualified for this position.

11 I started work in a full-time capacity 25 years ago.  
12 That was after I'd done an internship in the Coro Foundation,  
13 internship in public affairs. I went into city management. I  
14 was in city management for ten years, seven of those as City  
15 Manager of the City of Union City in southern Alameda County.

16 In 1970, I came to Sacramento and worked for the Reagan  
17 Administration when he was Governor. I had three different  
18 positions, and the last one was as Director of the Department of  
19 Commerce, which is one of the departments that is in the agency  
20 -- or the Business, Transportation and Housing Agency.

21 In 1975, I left government and went into the private  
22 sector. I worked for the California Manufacturers Association.  
23 I was Vice President and chief lobbyist of that group for eight  
24 years. And that organization represents -- it's a large  
25 organization representing manufacturers of all sizes with  
26 anywhere from two employees up to 70,000 employees.

27  
28





1 I then, in 1983, went to work for Shell Oil Company and  
2 remained with them for two years, and then I was appointed to  
3 this position.

4 So, I think I have a unique background of, first of all,  
5 a strong grounding in the public sector and in the public policy  
6 area. That's actually where I started my career, and I've been  
7 15 years in that area. And then balanced out with ten years in  
8 the private sector. So, I think I have a good understanding of  
9 both sides of the fence, you might say, and particularly in the  
10 job that I have as somewhat of a business advocate.

11 I think it's important that a business advocate also  
12 have a good understanding and healthy respect for how government  
13 works, and the role of government. And with that balance, I  
14 think I'm very well qualified for this particular position.

15 CHAIRMAN ROBERTI: Very good.

16 Any discussion or debate? Senator Petris.

17 SENATOR PETRIS: Yes, the applicant is an old friend,  
18 going to back to days when he was City Manager in Union City, and  
19 I represented that area. I was sorry to lose him to the private  
20 sector from the public. I'm glad he's back in the public.

21 But I need to ask some questions.

22 Your agency is big and it covers a lot things. I wanted  
23 to get some information on really what the Administration's  
24 policies are in a couple of areas. One is the Small Business  
25 Development Centers.

26 I've been working closely with the Department and with  
27 the private sector to encourage small business development  
28



1 conferences. We had a very good one in Oakland, in my district,  
2 earlier this year. We're trying to make that an annual event.  
3 Very high level of participation among the businesses.

4 I understand that the Centers are being cut back by the  
5 Administration. Can you enlighten us on that?

6 MR. GEOGHEGAN: Yes, Senator.

7 We support the Small Business Development Centers. The  
8 problem that we had was that the Small Business Administration  
9 did a report on our program. They found some fault with it.

10 They also laid out some criteria as to how they should  
11 operate that we thought was very difficult to live with. With  
12 their criteria, it would have been totally inconsistent with the  
13 one in your area, for example.

14 SENATOR PETRIS: We have a good one in Oakland, and  
15 that's one of the reasons --

16 MR. GEOGHEGAN: And we'd like to keep it structured that  
17 way. We felt the Small Business Administration laid down some  
18 criteria that we didn't think was appropriate. And we --

19 SENATOR PETRIS: You mean at the federal level?

20 MR. GEOGHEGAN: Right, right, because they were funding  
21 part of the program.

22 So, they pulled back funding, and at the same time we  
23 pulled back General Fund funding for Small Business Development  
24 Centers. But we are working for funding, and we're committed to  
25 get funding for those three Centers.

26 SENATOR PETRIS: At what level? How much?  
27  
28



1 MR. GEOGHEGAN: At the same level that we had before but  
2 without the Small Business Administration money. So, we're  
3 looking at \$400,000. That, based on discussions that we've had  
4 with these three Centers, can carry them for another year. And  
5 then we can look at it as part of next year's budget process.

6 But we support the Centers, and we're trying to get them  
7 funded. But it'll be through some other type of program and not  
8 the General Fund. We're looking right now at the Job Training  
9 Partnership Act money. We have a good indication that we can get  
10 money to fund the Centers from that.

11 SENATOR PETRIS: When you finish with all that, how many  
12 Centers are you aiming for?

13 MR. GEOGHEGAN: Well, we'll have three Centers. Those  
14 are basically the three Centers that are in operation now, but we  
15 are looking at ways --

16 SENATOR PETRIS: That's down from eight?

17 MR. GEOGHEGAN: Well, there's two different program.

18 Small Business Development Centers are basically Centers  
19 that help people get into small business, provide them with  
20 technical assistance, advice, steer them to people that can help  
21 them.

22 You, I think, are thinking of the Small Business  
23 Development Corporations, which are actually set up to loan money  
24 to small businesses. They're intact, and budgeted, and operating  
25 fine, as far as I know.

26 SENATOR PETRIS: Let me ask you about tourism.  
27  
28





1           The Analyst kind of worked over the Department because  
2 it hadn't made a report of a particular kind that was due.  
3 That's not uncommon. Some considerable number of agencies  
4 sometimes aren't able to bring in their report on time.

5           The question that I'm interested in is: They feel  
6 there's been no objective, reliable measurement of the  
7 effectiveness of the tourism industry progress in California. We  
8 all are aware of the tremendous push the Governor's given it, and  
9 we all applaud it. And we've seen the t.v. ads, and the bill  
10 boards: There were eight Californias. I personally think that  
11 it's a great idea.

12           I don't think our state has done enough over the years,  
13 since Pat Brown's time. He really pushed it, too.

14           Can you comment? You must have some kind of answer  
15 since the Analyst thing, and I'm not on the subcommittee so I  
16 don't know what happened there.

17           What's being done now to make sure that that report gets  
18 filed on time and --

19           MR. GEOGHEGAN: If it's the report that I'm thinking of,  
20 we should have it in the next couple of months. And I think the  
21 one you're referring to is the one that tried to determine  
22 whether our efforts really have an impact.

23           SENATOR PETRIS: Yes, whether the money spent is doing  
24 us any good.

25           MR. GEOGHEGAN: Right.

26           SENATOR PETRIS: Do we know the answer yet?  
27  
28



1 MR. GEOGHEGAN: Our preliminary indications are, based  
2 on the number of inquiries we get, that it is effective,  
3 tremendously so.

4 SENATOR PETRIS: Well, the Analyst says that's not a  
5 good measure by itself.

6 MR. GEOGHEGAN: Well, there are other angles that are  
7 being looked at. The main one that we have right now is the fact  
8 that we know when we get an inquiry -- and I don't know how  
9 because I haven't seen the methodology of the study -- but I'm  
10 told that we know when an inquiry results from our ads. And then  
11 we can follow through on that and determine whether that person  
12 or persons actually came to California.

13 And we're getting good information on that, and  
14 hopefully the report will be put together in a couple of months.

15 I think on the question of reports that I think reports  
16 ought to be received when the Legislature asks for them, and I'm  
17 going to push all of the departments in my agency to make sure  
18 that they're there when they're supposed to be.

19 SENATOR PETRIS: Yes, well, we all feel that way. But I  
20 understand why it can't be done sometimes. I'm not critical of  
21 that. I don't know what the circumstances are.

22 How much money do we spend out of state to attract  
23 tourism?

24 MR. GEOGHEGAN: I don't have that number.

25 SENATOR PETRIS: What percentage of the advertising  
26 effort?

27  
28



1 MR. GEOGHEGAN: I don't have that number, but the total  
2 is 5 million. We have the state divided up into the 12  
3 Californias.

4 SENATOR PETRIS: I thought it was eight.

5 MR. GEOGHEGAN: It's growing all the time.

6 And 5 million in this year's budget, 7 million proposed  
7 for next year's budget.

8 But the other good part about the program is that we've  
9 got the private sector in for about \$4 million. And a lot of the  
10 private sector money is done out of state. Like, we had a joint  
11 advertising program with PSA in Phoenix, Portland, Tucson. And  
12 we had another one with Frontier Airlines in Denver; United  
13 Airlines in Chicago and New York.

14 But I can't give you the exact number as to how it  
15 breaks up, but we are going -- a bigger percentage of it is going  
16 out of state than from, say, a year or two ago.

17 SENATOR PETRIS: Now, another one of your shops is the  
18 Housing and Urban Development. I've been very, very much  
19 interested in that over the years.

20 First of all, my bill on the Housing Trust Fund.

21 MR. GEOGHEGAN: Right.

22 SENATOR PETRIS: It's 20 million. I'm very grateful to  
23 the Governor for signing it. He vetoed most housing things, but  
24 he approved that one.

25 It was tied, because of the Governor's request, not to  
26 go into the General Fund. It was to be funded by the oil  
27 revenues, which everybody knows are now --  
28





1 MR. GEOGHEGAN: Right.

2 SENATOR PETRIS: I haven't had any letter from the  
3 Department, but I've been told that that 20 million has either  
4 been diverted to other things or doesn't exist.

5 Do you have any information?

6 MR. GEOGHEGAN: The last information I had is, because  
7 of the tidelands oil money has been so drastically cut, I think  
8 it's been cut by 60 to 70 percent, that the 20 million is now 10  
9 million, but we're trying to hold to that 10 million.

10 SENATOR PETRIS: Are you trying to hold to it for  
11 Housing?

12 MR. GEOGHEGAN: Yes, for what your --

13 SENATOR PETRIS: I'd like to go into that with you.

14 MR. GEOGHEGAN: Fine.

15 SENATOR PETRIS: At a convenient time for both of us,  
16 because there was such a scarcity of bills approved, that  
17 whatever we have is very meager and we can't afford to lose, from  
18 my viewpoint, what small amount that we have committed ourselves  
19 to.

20 MR. GEOGHEGAN: We pushed hard for that. We're trying  
21 to keep all we can for that in light of the fact that the  
22 tidelands money is dropping off so drastically.

23 SENATOR PETRIS: One other problem that I want to ask  
24 you about is in my district.

25 At Bolt Hall, there's a Housing Assistance Center, Legal  
26 Housing Assistance Center. It involves the law students and  
27 involves full-time lawyers as well.  
28



1           That's been drastically cut back, and they're being  
2 either transferred out to somewhere else or, the letters I get  
3 from people at the campus are indicating that program's being  
4 totally demolished.

5           I don't know if you're on top of that. It's just one of  
6 many, many things that are under your roof.

7           I'm very concerned about the elimination of a very, very  
8 important service to people who need it, where there are eager  
9 persons who are trained and able to provide assistance.

10          MR. GEOGHEGAN: That -- I've been told that that program  
11 is actually in the Fair Employment and Housing Commission. And  
12 I'm a little bit familiar with that because I happened to be  
13 listening in on their budget hearing, and it was quite  
14 controversial. In fact, they even asked the Agency Secretary,  
15 Shirley Chilton, to come in and testify on it.

16          But that particular program -- I don't know why it has  
17 that title and is not in our agency, but that particular program  
18 is part of the Fair Employment and Housing Commission.

19          SENATOR PETRIS: Well, the thing that triggered the  
20 complaints was a move to consolidate with Sacramento.

21          MR. GEOGHEGAN: Right.

22          SENATOR PETRIS: So, whoever's down there working moves  
23 to Sacramento. That cuts out everybody in the Berkeley area  
24 among the poor who were previously being served with no  
25 substitute.

26          When you consider that in the light of the drastic  
27 cutbacks at the national level -- legal aid to the poor -- the  
28



1 President, as you know, whether you agree with him or not, he  
2 declared war on poverty lawyers when he was Governor and he  
3 hasn't let up. So we don't see any relief coming from there.

4 Locally we're trying to do something at the state level,  
5 but there again, as in Housing, which has also been cutback  
6 tremendously and practically eliminated, there's no other place  
7 to go.

8 I'm trying to hang on to every single person who is  
9 doing X number of hours per week out there, providing a very  
10 valuable service.

11 Maybe that's another one I can follow up with you.

12 MR. GEOGHEGAN: I'll have Shirley Chilton call you, if  
13 you'd like.

14 SENATOR PETRIS: Yes, I would appreciate it.

15 I think that's enough for me.

16 I'd like to, when you're ready, have the privilege of  
17 making the motion.

18 CHAIRMAN ROBERTI: Is there any opposition?

19 Then Senator Petris.

20 SENATOR PETRIS: I'd like to move a recommendation that  
21 the Appointment be approved, be confirmed.

22 CHAIRMAN ROBERTI: Senator Petris has moved Mr.  
23 Geoghegan's Appointment be recommended to the Floor.

24 Secretary will call the roll.

25 SECRETARY WEBB: Senator Doolittle.

26 SENATOR DOOLITTLE: Aye.

27 SECRETARY WEBB: Senator Mello. Senator Petris.  
28





1 SENATOR PETRIS: Aye.

2 SECRETARY WEBB: Senator Craven.

3 SENATOR CRAVEN: Aye.

4 SECRETARY WEBB: Senator Roberti.

5 CHAIRMAN ROBERTI: Aye.

6 The vote is four to nothing; confirmation is recommended  
7 to the Floor.

8 Congratulations.

9 MR. GEOGHEGAN: Thank you. Thank you, Senator.

10 (Thereupon this portion of the  
11 Senate Rules Committee hearing  
12 was terminated at approximately  
13 3:00 P.M.)

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CERTIFICATE OF SHORTHAND REPORTER


I, EVELYN MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

23rd day of May, 1986.

  
EVELYN MIZAK  
Shorthand Reporter









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MEMBERS PRESENT

SENATOR WILLIAM CRAVEN, Vice-Chairman

SENATOR MELLO

SENATOR NICHOLAS PETRIS

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Appointments

JAMES DUANE MOSMAN, Director

Department of Personnel Administration





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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: Governor's Appointee appearing today, James Duane Mosman, Director of Personnel Administration.

Mr. Mosman, we'll ask you what we ask all the Governor's Appointees, and that is why you feel you're qualified to assume this position?

MR. MOSMAN: Thank you. Senator Roberti, Members of the Rules Committee, I first want to thank you for the opportunity to appear before you today and present my qualifications to remain as Director of the Department of Personnel Administration. I do intend to keep my presentation brief, and then be available to answer any and all questions that you may have.

After 15 years of experience in State government, I consider myself a career employee, even though my present appoint is exempt from the State civil service. Virtually all of my experience in State government is related to personnel management in one form or another. This includes five years with the State Personnel Board, seven years with the Department of Justice, and the past three years with the Department of Personnel Administration. During this period I have held a number of positions in State government in the personnel management field, from entry level analyst, journey person, to the first line supervisor, personnel manager, deputy director, and now, Director of the Department of Personnel Administration. Thus, as you can see, I feel I have an abundance of experience in this field.



1           Since my initial hire by the State Personnel Board in  
2 1971, I have personally witnessed dramatic changes in what we now  
3 refer to as the human resources occupation. The first major  
4 systemic changes in State government began in the mid-seventies  
5 with Equal Employment Opportunity, as State government was  
6 brought under Title VII of the Civil Rights Act. A subsequent  
7 U.S. Supreme Court decision reinforced the intent of the federal  
8 law that employers develop hiring procedures that did not screen  
9 out certain groups of our society. Subsequent State law and  
10 action of the State Personnel Board necessitated dramatic changes  
11 to the State personnel system in order to foster aggressive  
12 affirmative action and upward mobility programs. These efforts  
13 continue to this day as we endeavor to achieve full  
14 representation in our work force.

15           The second major systemic change in the State's  
16 personnel system has resulted from the implementation of the  
17 State Employer Employee Relations Act, what we commonly refer to  
18 as SEERA. Under this statute, the State has moved from a largely  
19 paternalistic personnel system, where wages were unilaterally  
20 established by the State Personnel Board, to a bilateral process  
21 where wages, benefits and other terms and conditions of  
22 employment are now a product of the collective bargaining  
23 process.

24           DPA was created in 1981, and certainly one of its  
25 primary missions is to represent the Governor in collective  
26 bargaining. Since my arrival at DPA in 1983, I have been  
27 intimately involved in three rounds of collective bargaining.  
28





1 This has afforded me the unique opportunity to personally affect  
2 the course of bargaining between the State and labor  
3 organizations representing over 120,000 State employees in 20  
4 different bargaining units.

5 Collective bargaining under SEERA is not a perfect  
6 model, and undoubtedly over the years it will evolve to a form  
7 which may function better in a governmental setting. However, in  
8 the last three years, we have made great progress. I am  
9 especially proud of the two-year bargaining agreements we now  
10 have.

11 The collective bargaining process is notorious for its  
12 rhetoric and posturing, and I certainly can't deny that I've been  
13 a participant at times. It's a volatile and delicate process  
14 which is ultimately dependent on the art of give and take, yet  
15 the end product, the so-called bottom line, is that both sides  
16 have participated in a process which yields a contract which is  
17 acceptable to both, and that both parties bind each other to a  
18 specific course of action through a signed memorandum of  
19 understanding.

20 Today I am unaware of any labor organization which is in  
21 opposition to my being the Director of the Department of  
22 Personnel Administration. I would like to believe that this  
23 means that they perceive me as a strong yet fair adversary at the  
24 bargaining table, and as a person who is always willing to listen  
25 to their case, even though sometimes my answer may be a simple:  
26 No, it's not possible.  
27  
28





1           At this point, I'd be glad to answer any questions you  
2 may have.

3           CHAIRMAN ROBERTI: Thank you very much.

4           Senator Petris.

5           SENATOR PETRIS: Just information for my lack of  
6 knowledge.

7           What are the areas of jurisdiction that distinguish the  
8 Personnel Board from the Personnel Administration?

9           MR. MOSMAN: Until the Reorganization Act of 1981,  
10 creating the Department of Personnel Administration, the State  
11 Personnel Board, of course, had full purview of the State's  
12 personnel management system. With the Reorganization Act,  
13 basically the salary setting mechanisms, salary setting  
14 functions, as well as a number of the benefit administration  
15 functions, were moved to DPA. What remains at the Personnel  
16 Board today is largely what we call the merit process: the  
17 oversight of the civil service examining system, the affirmative  
18 action system, and an appeals function.

19          SENATOR PETRIS: That remains with the Board?

20          MR. MOSMAN: That remains with the Board.

21          SENATOR PETRIS: There was some very protracted  
22 litigation between two departments on affirmative action, as I  
23 recall.

24          MR. MOSMAN: Yes, that was between the Board and the  
25 Department of Fair Employment and Housing.

26          SENATOR PETRIS: That came out in favor of Fair  
27 Employment and Housing?  
28



1 MR. MOSMAN: That is correct, a recent Supreme Court  
2 decision.

3 SENATOR PETRIS: So the Board no longer has affirmative  
4 action, or do they still have parts of it?

5 MR. MOSMAN: They still have affirmative action policy  
6 setting, but the FEH has jurisdiction as well. The Board was  
7 basically saying they had independent jurisdiction.

8 SENATOR PETRIS: So the Board still sets policy, but the  
9 other --

10 MR. MOSMAN: They still set affirmative action policy --

11 SENATOR PETRIS: But the FEH enforces it?

12 MR. MOSMAN: State civil service employees can now file  
13 a discrimination action with FEH, whereas the Board was holding  
14 that a discrimination action had to be filed --

15 SENATOR PETRIS: Exclusively with them.

16 MR. MOSMAN: Right.

17 SENATOR PETRIS: How has that worked out?

18 MR. MOSMAN: Well, it's a relatively new decision. I'm  
19 not sure that it's even been --

20 SENATOR PETRIS: Not enough experience there yet.

21 Do you think generally speaking that collective  
22 bargaining is working out as a good process? If not, how would  
23 you have us improve it?

24 MR. MOSMAN: Well, collective bargaining is a maturing  
25 process in State government, you know. We've only had it for  
26 four years now, and in the three years that I've been closely  
27 associated with it, I think we've made great strides in terms of  
28



1 both parties becoming more sophisticated in how to deal with each  
2 other at the bargaining table.

3 I frankly think it's going to take a number of years  
4 before all the kinks are worked out of it, and you know, by the  
5 very nature of the process being bilateral as it is, it's never  
6 going to run completely smoothly. And I think the fact that  
7 you've taken basically a private sector process and overlaid it  
8 in the public sector, and you've got not just, you know, one  
9 management team, but you've got the management team and the  
10 Legislature both having a role in the approval process makes it a  
11 little more arduous than it might be in the private sector as  
12 well.

13 SENATOR PETRIS: Is it better to have it, or not to have  
14 it?

15 MR. MOSMAN: I think that collective bargaining is  
16 working. There are some, I suppose, who would say it could work  
17 better, and I wouldn't deny that. But I think that, again, the  
18 four years that we've had it, I think that most employees have  
19 profited from it, and at the same time, we as management have  
20 learned that we can get something out of collective bargaining.  
21 It's not a one-way street.

22 SENATOR PETRIS: In the private sector you have a  
23 curious dichotomy between management people and the rest in that  
24 management people seem to feel a duty to oppose a lot of the  
25 demands of the lower level employees who are in a union, and yet  
26 they pray that they get a big raise so that the gap can be  
27 maintained.





1 Do you have that problem in the State government? To  
2 what extent has collective bargaining impacted on the gap between  
3 management level and the rest?

4 MR. MOSMAN: Well, our problem is actually more  
5 complicated than the private sector because in the private sector  
6 there's theoretically no ceiling on the top. You know, the chief  
7 executive officer of a corporation can make \$250-500,000, which  
8 leaves a lot of room.

9 SENATOR PETRIS: Yes, they often do.

10 MR. MOSMAN: In our system, as you know, statutes  
11 prescribe what the salary of a director is for a department,  
12 which effectively sets a ceiling, and you don't have near as much  
13 room between --

14 SENATOR PETRIS: So you've got to squeeze in that gap.

15 MR. MOSMAN: That's right. But collective bargaining  
16 does have the effect, if we are fairly generous with the rank and  
17 file in bargaining, then there is obviously a multiplier effect  
18 that we have to deal with the supervisor management cadre as  
19 well.

20 SENATOR PETRIS: Is there anything we should be doing  
21 about that? Does that call for any change in the law or a  
22 regulation?

23 MR. MOSMAN: Well, the salaries of statutory directors  
24 were adjusted about -- I guess it's been two or three years ago  
25 in the Papan bill, AB 2178, which gave us more room. And I think  
26 frankly, in the public sector, we have to be aware that, you  
27 know, it is sensitive in terms of the general public as to what  
28



1 the salary levels are. And I think we've probably gone about as  
2 far as we can go without getting severe criticism from the  
3 general public.

4 SENATOR PETRIS: Thank you.

5 CHAIRMAN ROBERTI: Any further questions of Mr. Mosman?  
6 Senator Mello.

7 SENATOR MELLO: I wanted to ask you briefly about what  
8 are some of the problems that you're facing in your department?

9 MR. MOSMAN: Well, I'd like to think that the Department  
10 is running pretty well, but there's always, you know, certain  
11 problems you have to deal with.

12 We're still a new department. We're only, as I said  
13 before, four years old, and we're still in the process of just  
14 institutionalizing administrative processes that other  
15 departments that have been around for many years have in place.

16 And I suppose, also, defining the role of what DPA is  
17 when we're not in a bargaining mode. An organization has to gear  
18 up once every year or every two years, as the case may be, for  
19 bargaining. It's a very large undertaking, as you can imagine.  
20 When we get into a mode where we're not in bargaining, and we get  
21 into contract administration, it forces us to reshift resources  
22 from one part of the organization to another. That's one thing  
23 that we're still kind of exploring as to what the best way to  
24 deal with those resources in a nonbargaining mode is.

25 SENATOR MELLO: Is the Administration's move towards  
26 more contracting out for services rather than doing it with their  
27 own staff, do you see that as a problem down the road, or how do  
28 you view that personally?



1 MR. MOSMAN: Well, the Administration has taken the  
2 position that we should explore, the Department should explore  
3 areas where contracting out might be feasible within the existing  
4 statutory constraints. And the Government Code lays forth very  
5 specific criteria as to when you can contract out and when you  
6 cannot. And if those tests are met, you know, the departments  
7 have been encouraged to explore the contracting out mode.

8 Now, there have been some legal challenges which are yet  
9 to be resolved, so I'm not sure where the ultimate fate of  
10 contracting out will be.

11 SENATOR MELLO: How do you feel we are complying with  
12 affirmative action goals?

13 MR. MOSMAN: As a state, or as my department?

14 SENATOR MELLO: Well, let's see.

15 MR. MOSMAN: I can answer for both.

16 At DPA itself, I have a very strong commitment to  
17 affirmative action in my own department, and I think that's  
18 evidenced by the fact in the 11 months plus I've been the  
19 Director, the representation of Hispanic employees in DPA has  
20 grown from 5 percent to over 12 percent in less than a year. I  
21 have a strong commitment to continue that direction.

22 State government, as a whole, we've continued to  
23 increase the representation of Hispanics, which is the only group  
24 that now remains significantly under-represented, disabled as  
25 well, I should mention. But Hispanic is where the most serious  
26 under-representation is. I have worked with the State Personnel  
27 Board and will continue to on those agencies that have not made  
28 as much progress as we'd like to see.





1           SENATOR MELLO: Wasn't there a study released just about  
2 a month ago, and they might have been using '84 figures, where I  
3 think you're citing '85, but I think the figures showed that the  
4 State of California has a labor force that employs 3 percent  
5 Hispanics, where the population is up closer to 18 percent.

6           MR. MOSMAN: No, actually I believe that the most recent  
7 statistics from the State Personnel Board survey show Hispanic  
8 population in State government at a little over 12 percent,  
9 whereas the labor force for the parity figure is somewhere up in  
10 the neighborhood of 17.6, and it was noted in the past year that  
11 the gain in Hispanic representation was .3 as opposed to previous  
12 years where there had been some higher gains. So, there is  
13 increased concentration on trying to get that figure up.

14          SENATOR MELLO: How about the laying off of employees?  
15 I know there's been some cutbacks on staff of the Coastal  
16 Commission, ALRB, and other areas. How have those reductions  
17 been made?

18          MR. MOSMAN: Well, it's this Administration's policy  
19 that we will seek every alternative possible to avoid layoffs,  
20 and to my knowledge, we haven't laid off one employee yet. We  
21 have a number of procedures in effect that we use to basically  
22 direct employees that are potentially impacted by lay off to  
23 other departments, transfers to another agency, retraining, what  
24 ever, in an effort to avoid layoffs.

25          As I say, to this point in time, we've been able to  
26 avoid layoffs.





1           SENATOR MELLO: You mean we haven't laid off anybody in  
2 the State?

3           MR. MOSMAN: No.

4           SENATOR MELLO: They just closed down the Department of  
5 Forestry office in Monterey; 27 people got laid off as of January  
6 1. Coastal Commission, they closed the Eureka office; they've  
7 cut the Santa Cruz office by two-thirds; and the ALRB staff, I  
8 don't have the figure readily available, but I understand that  
9 there's been cutbacks in staffing in that department as well.

10           If you say that all these people have been relocated,  
11 that's something. But I was under the impression there were  
12 actually layoffs. We're also growing in some departments, so the  
13 net, we're probably increasing employees over all, but to my  
14 recollection, there have been layoffs in some departments.

15           MR. MOSMAN: Well, I may be wrong, but to my knowledge,  
16 we have not laid off any people.

17           SENATOR MELLO: My question really was meant to address  
18 the fact of where there are layoffs, do we do in on a first  
19 in-first out, or last in, or do we try to do it on the basis of  
20 seniority, or do we try to maintain some balance as to the ethnic  
21 representation we have? I mean, if you were to lay off people,  
22 maybe that should be my question.

23           MR. MOSMAN: There's a very complex process that a  
24 department must go through if they're facing a reduction in  
25 force. The Government Codes and our labor contracts both  
26 prescribe a seniority-based layoff system; however, there's an  
27 additional statute on the books that was put there by AB 3001 a  
28



1 number of years ago which states that any department where  
2 there's a layoff that would result in some adverse impact on a  
3 protected group, a special hearing process must occur before the  
4 State Personnel Board. The State Personnel Board had the  
5 authority, under that statute, to revise the order of layoff to  
6 minimize the adverse impact on a protected group. To my  
7 knowledge, that process has been used very sparingly to this  
8 point. I think we've only used it once. But there is a  
9 mechanism to deal with the very problem that you're talking  
10 about.

11 SENATOR MELLO: Thank you.

12 CHAIRMAN ROBERTI: Any further questions? Is there any  
13 opposition in the audience?

14 Seeing none, do I hear a motion?

15 SENATOR MELLO: I move the nomination.

16 CHAIRMAN ROBERTI: Senator Mello moves the nomination of  
17 James Duane Mosman as Director of Personnel Administration be  
18 recommended to the Senate for confirmation.

19 Secretary will call the roll.

20 SECRETARY WEBB: Senator Doolittle.

21 SENATOR DOOLITTLE: Aye.

22 SECRETARY WEBB: Senator Mello.

23 SENATOR MELLO: Aye.

24 SECRETARY WEBB: Senator Petris.

25 SENATOR PETRIS: Aye.

26 SECRETARY WEBB: Senator Craven. Senator Roberti.

27 CHAIRMAN ROBERTI: Aye.  
28



1           The vote is four to nothing; confirmation is  
2 recommended.

3           Congratulations.

4           (Thereupon this portion of the hearing  
5 of the Senate Rules Committee was  
6 terminated at approximately 3:00 P.M.)

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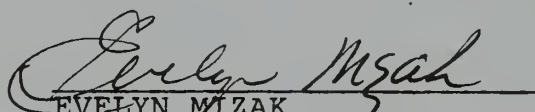
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9<sup>th</sup>

day of January, 1986.

  
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27 Evelyn Mizak  
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APPEARANCES

MEMBERS PRESENT

SENATOR DAVID ROBERTI, Chairman

SENATOR WILLIAM CRAVEN, Vice-Chairman

SENATOR HENRY MELLO

SENATOR NICHOLAS PETRIS

MEMBERS ABSENT

SENATOR JOHN DOOLITTLE

STAFF PRESENT

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Appointments

ALSO PRESENT

JAMES R. KNAPP, Member, Board of Directors  
Hastings College of the law

KNEELAND H. LOBNER, Member, Board of Directors  
Hastings College of the Law

JAMES E. MAHONEY, Member, Board of Directors  
Hastings College of the Law

ELISEO M. SAMANIEGO, Member  
Water Resources Control Board

DANNY J. WALSH, Member  
Water Resources Control Board



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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: Governor's Appointees appearing today, Mr. Danny J. Walsh, Member of the Water Resources Control Board.

MR. WALSH: Good afternoon.

CHAIRMAN ROBERTI: Mr. Walsh, we'll ask you what we ask all the Governor's Appointees, and that is why you feel you're qualified to assume this position?

MR. WALSH: Being familiar with the categories which the Board is filled, I fill the position of the public member with a water background.

I was a county supervisor for two terms from Humboldt County and worked closely on a number of projects that qualify me for this slot, in particular an innovative system that was developed by a joint powers body of which I was a member that dealt with innovative methods by which the greater Eureka area sewage problem would be solve.

I also worked on issues involving marsh sewage concepts projects that sought to clean the historically degraded waters of Humboldt Bay.

And I also was a member of the CSAC Natural Resources Committee for a time that also addressed water issues and their related effects on the waters of the State.

CHAIRMAN ROBERTI: Any questions of Mr. Walsh?

Do you think the Board is moving fast enough, if at all, to establish a state goal on the ground water contamination?



1 MR. WALSH: Well, I think the general area is broken  
2 into a number of components, and from an historical perspective I  
3 think the state can be proud of its record in this area.  
4 Obviously, we serve as the model for not only other states but  
5 other nations in the world.

6 We are also and have been in recent past approaching a  
7 new area that deals with a lot of new problems that frankly all  
8 of us, and I would think also the Legislature, is grappling with  
9 in terms of the best method in dealing with those problems. Some  
10 of our problems relate to the technology itself and those  
11 individuals that are available to fill those positions. Some of  
12 our problems deal with the appropriate and necessary background  
13 information needed by which to address the appropriate  
14 legislation that's already been passed.

15 So, we're kind of in a learning mode, and we're -- at  
16 least in the three short months that I've been there and trying  
17 to augment my learning curve -- are moving as fast as we can at  
18 this point.

19 Obviously you're familiar with the budget change  
20 proposal that we are waiting for and anticipate significant  
21 increases in those programs. There is presently going through  
22 the Legislature amendments to the Katz and Sher legislation that  
23 will hopefully make it easier for us to collect surcharges and  
24 have the cooperation of local governments in giving us the funds  
25 we need to administer those programs as well as some minor  
26 administrative and technical problems that are being cleared up  
27 through amendments to the Katz legislation.  
28



1           The Calderon legislation has been addressed in that the  
2 first 150 sites for the first year have been designated, and  
3 we're moving with the designation of the second 150 sites for the  
4 second year, so we're moving in that direction.

5           We're having some growing pains. We're also going to  
6 take some time in getting the information from the localities  
7 that we need to administer those programs, Senator.

8           CHAIRMAN ROBERTI: I guess one of the most controversial  
9 water quality questions is the Kesterson issue, and the Board has  
10 issued an Order, WQ-85-1, I have here.

11          MR. WALSH: Correct.

12          CHAIRMAN ROBERTI: Requiring the cleaning up of selenium  
13 at Kesterson.

14          Do you favor maintaining the Order, or would you relax  
15 it?

16          MR. WALSH: I am not of a mind to relax the Order;  
17 however, it has become apparent, Senator, that there will be  
18 issues brought not only before our Board but probably before your  
19 body on new information that is coming as a result of research  
20 presently being done that may address some health issues that  
21 none of us were aware of when the Board imposed that Order.

22          The answer to your question is no, I am not in favor of  
23 extending or altering the Order, but reserving opportunity for  
24 discussion and debate on additional health problems as they may  
25 arise.

26          CHAIRMAN ROBERTI: When does the Order expire?

27          MR. WALSH: I believe the cleanup is to be done in 1988.  
28





1 CHAIRMAN ROBERTI: So by 1988, the selenium deposits are  
2 to be cleaned up at Kesterson?

3 MR. WALSH: The selenium hazard is supposed to be  
4 addressed to minimize or eliminate the health concerns as a  
5 result of that.

6 CHAIRMAN ROBERTI: What if --

7 MR. WALSH: The debate --

8 CHAIRMAN ROBERTI: What if you get it down below a  
9 specific level, I take it, the selenium --

10 MR. WALSH: Yes.

11 CHAIRMAN ROBERTI: -- concentrations.

12 MR. WALSH: Yes.

13 CHAIRMAN ROBERTI: What if by 1988 that doesn't happen?

14 MR. WALSH: Well --

15 CHAIRMAN ROBERTI: What happens at that point?

16 MR. WALSH: Well, there are two or three other things  
17 that have to be mentioned with regard to that.

18 Presently what is the acceptable level of selenium that  
19 several agencies, not only state but federal, are grappling with  
20 now, including the EPA.

21 The second deals with the type of technology and the  
22 approach taken in getting selenium to that level ultimately that  
23 is deemed safe.

24 The third set of issues deal with the types of  
25 technologies, that problems that are going to appear as more and  
26 more is found out about selenium, not only as it relates to  
27 Kesterson, but the Salton Sea and other areas in the state and  
28 the nation as well.





1           We're right on the front part of the research and  
2 technology presently being developed to address the selenium  
3 problem.

4           CHAIRMAN ROBERTI: Are there any further questions of  
5 Mr. Walsh?

6           SENATOR CRAVEN: Move.

7           CHAIRMAN ROBERTI: Senator Craven moves Mr. Walsh's  
8 confirmation be recommended to the Floor.

9           Any discussion or debate? Any opposition in the  
10 audience?

11          Hearing none, the Secretary will call the roll.

12          SECRETARY WEBB: Senator Doolittle. Senator Mello.  
13 Senator Petris.

14          SENATOR PETRIS: Aye.

15          SECRETARY WEBB: Senator Craven.

16          SENATOR CRAVEN: Aye.

17          SECRETARY WEBB: Senator Roberti.

18          CHAIRMAN ROBERTI: Aye.

19          The vote is three to nothing; confirmation is  
20 recommended to the Floor.

21          Congratulations.

22          MR. WALSH: Thank you very much, Senator.

23          I'd also like to introduce my wife, Tracy, who took a  
24 break from law school today to be here with me as well.

25          CHAIRMAN ROBERTI: Congratulations to you, too.

26          MR. WALSH: Thank you, Senator.

27  
28



1 CHAIRMAN ROBERTI: Next is Mr. Eliseo M. Samaniego,  
2 Member of the Water Resources Control Board.

3 Mr. Samaniego, we'll ask you the same question we asked  
4 Mr. Walsh, and that is why you feel you're qualified to assume  
5 this position?

6 MR. SAMANIEGO: Good afternoon, Mr. Chairman, Members of  
7 the Committee.

8 In 1976, I was appointed to the Central Valley Regional  
9 Quality Control Board by Governor Brown and was subsequently  
10 reappointed by him the second time, reappointed by Governor  
11 Deukmejian to the same Central Valley Board a third time in '83,  
12 and then of course appointed to the State Water Resources Control  
13 Board this last year.

14 During that time I was able to contribute because of my  
15 professional expertise which is I am a graduate of USC with a  
16 doctorate in pharmacy degree, and perhaps a bit unique in that  
17 the era of toxics seemed to have exploded at the time that we  
18 were grappling with the Occidental contamination.

19 CHAIRMAN ROBERTI: Let me ask you also the question on  
20 the current Order of Kesterson, WQ-85-1.

21 Do you support the Order, or would you vote or attempt  
22 to relax it?

23 MR. SAMANIEGO: I would not attempt to relax it nor  
24 would I favor that.

25 I had a unique situation in that our Board heard that on  
26 a regional basis, and I did have to disqualify myself of some  
27 areas of that when the State Board has reviewed some issues.

28



1 But no, that is not my intention to relax 85-1. It's  
2 the Board's express intention not to relax 85-1.

3 CHAIRMAN ROBERTI: If the Bureau of Reclamation hasn't  
4 cleaned up the reservoir by February of '88, will you support  
5 enforcement action by the Board?

6 MR. SAMANIEGO: An enforcement of cleanup and abatement  
7 order?

8 CHAIRMAN ROBERTI: Yes.

9 MR. SAMANIEGO: Certainly. One would have to consider  
10 what the circumstances were that caused the failure to meet the  
11 standards, and the standards of course are still in a state of  
12 flux. But I suppose, or I would presume that there would be a  
13 evidentiary hearing to show cause, and then we would have to take  
14 some taction.

15 CHAIRMAN ROBERTI: Do you think the current cleanup  
16 schedule at Kesterson is on schedule, or slow, or are we going to  
17 have a problem in '88?

18 MR. SAMANIEGO: It's reasonably on schedule, depending  
19 on who you address that question to.

20 Yes, the answer is yes, they're on schedule, and as  
21 little as last week they were reanalyzing the alternatives that  
22 were available to them, what they call the four major areas --  
23 that is the Bureau of Reclamation are dealing with, and that is  
24 the wet flexible, the dry flexible, and a couple of other plans,  
25 plus the extreme plan of actually hauling away Kesterson and  
26 depositing it in a specified site.

27 CHAIRMAN ROBERTI: Thank you, Mr. Samaniego.  
28





1 Any other questions of Mr. Samaniego?

2 SENATOR CRAVEN: Move.

3 CHAIRMAN ROBERTI: Senator Craven moves Mr. Samaniego's  
4 confirmation be recommended to the Floor.

5 Is there any opposition in the audience?

6 Seeing none, the Secretary will call the roll.

7 SECRETARY WEBB: Senator Doolittle. Senator Mello.  
8 Senator Petris.

9 SENATOR PETRIS: Aye.

10 SECRETARY WEBB: Senator Craven.

11 SENATOR CRAVEN: Aye.

12 SECRETARY WEBB: Senator Roberti.

13 CHAIRMAN ROBERTI: Aye.

14 The vote is three to nothing; Mr. Samaniego's  
15 confirmation is recommended to the Floor.

16 Congratulations.

17 MR. SAMANIEGO: Thank you, Mr. Chairman.

18 I might make note of the fact that the whole right side  
19 is family.

20 CHAIRMAN ROBERTI: I had a hunch. Very good.

21 MR. SAMANIEGO: Thank you very much.

22 CHAIRMAN ROBERTI: Congratulations to you, too.

23 (Applause.)

24 CHAIRMAN ROBERTI: James E. Mahoney, Member of the Board  
25 of Directors, Hastings College of Law.

26 MR. MAHONEY: Mr. Chairman, Committee Members.

27 CHAIRMAN ROBERTI: We'll ask you the same question --  
28



1 MR. MAHONEY: Pardon me?

2 CHAIRMAN ROBERTI: We'll ask you that same question we  
3 ask the Governor's Appointees: Why you feel qualified to assume  
4 this position?

5 MR. MAHONEY: I graduated from Hastings College of the  
6 Law in 1966, so I am familiar with the school. I've been  
7 supportive of alumni matters since I graduated. I am a member of  
8 the 1066 Board of Trustees. The 1066 organization is an  
9 organization which has given a great deal of support to Hastings  
10 over the years. In fact, it was founded by one of the other  
11 gentlemen who's here today, Mr. K. Lobner.

12 I've been involved in a number of legal educational  
13 activities through the years. I have chaired the L.A. County Bar  
14 Association Continuing Education of the Bar program and also its  
15 Youth Education Committee.

16 Fundamentally I love Hastings. It's my intent to make  
17 it even a better school.

18 CHAIRMAN ROBERTI: Currently we're engrossed in a  
19 dispute up here on the adequacy of the State Bar's discipline of  
20 lawyers.

21 I know that's not specifically within your purview, but  
22 I would be interested to know do you think that the State Bar  
23 does an adequate job of disciplining its own membership, or would  
24 you make a recommendation for change?

25 MR. MAHONEY: Well, I really am not totally familiar  
26 with the procedures that the Bar has been following. I know that  
27 there have -- there has recently been a substantial amount of  
28



1 criticism levied at the State Bar, and there is a question about  
2 adequate disciplining of attorneys.

3 Certainly I think that it is appropriate for the State  
4 Bar to conduct disciplinary activities. I think it's equally  
5 important that the procedures be followed in an appropriate  
6 fashion in that all matters be looked into thoroughly.

7 CHAIRMAN ROBERTI: How extensive are courses on legal  
8 ethics at Hastings?

9 MR. MAHONEY: I do not know exactly what the curriculum  
10 is at Hastings on legal ethics. I believe that they have a  
11 course devoted to it.

12 As you probably know, it is now part of the examination  
13 qualifications to become a practicing attorney, and I believe  
14 that Hastings has designed its curriculum to make sure that these  
15 matters are covered appropriately.

16 CHAIRMAN ROBERTI: Any further discussion or questions  
17 of Mr. Mahoney?

18 SENATOR CRAVEN: Move Mr. Mahoney.

19 CHAIRMAN ROBERTI: Senator Craven moves the confirmation  
20 be recommended to the Floor.

21 Secretary will call the roll.

22 SECRETARY WEBB: Senator Doolittle.

23 SENATOR DOOLITTLE: Aye.

24 SECRETARY WEBB: Senator Mello. Senator Petris.

25 SENATOR PETRIS: Aye.

26 SECRETARY WEBB: Senator Craven.

27 SENATOR CRAVEN: Aye.

28





1 SECRETARY WEBB: Senator Roberti.

2 CHAIRMAN ROBERTI: Aye.

3 The vote is four to nothing; confirmation is  
4 recommended.

5 MR. MAHONEY: Thank you very much. I appreciate it.

6 CHAIRMAN ROBERTI: Kneeland H. Lobner, Member of the  
7 Board of Directors, Hastings College of Law.

8 MR. LOBNER: Mr. Chairman, Members of the Board, my name  
9 is Kneeland H. Lobner.

10 CHAIRMAN ROBERTI: We'll ask you the same question:  
11 What you feel your qualifications are to assume this position.

12 MR. LOBNER: Thank you, Mr. Chairman.

13 I was registered in Hastings and graduated from Hastings  
14 in 1944; registered there in 1939, and my legal experience was  
15 interrupted for a short time during -- due to the problems in the  
16 war. But since I got back to Sacramento in 1946, I've been very  
17 interested in Hastings and became a member of the Alumni  
18 Association of Hastings at Professor Snodgrass' invitation in  
19 1949, I think it was. And I've followed very carefully through  
20 chairs in that organization, and from time to time spoken at  
21 Hastings, and have followed the curriculum and the institution  
22 many different ways.

23 I was instrumental in helping the school form an  
24 organization called the Hastings 1066 Foundation, which has since  
25 that time raised money for the school very successfully.

26 I've been a practicing lawyer in general practice since  
27 1946. My practice as a general practitioner has been in the  
28 litigation field; oriented more that way than otherwise.



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TO THE HONORABLE CHANCELLOR OF THE UNIVERSITY

AND TO THE FACULTY OF THE UNIVERSITY

OF THE UNIVERSITY OF CHICAGO

IN RESPONSE TO A RESOLUTION PASSED BY THE FACULTY

ON MAY 1, 1900

AND TO THE HONORABLE CHANCELLOR OF THE UNIVERSITY

AND TO THE FACULTY OF THE UNIVERSITY

OF THE UNIVERSITY OF CHICAGO

IN RESPONSE TO A RESOLUTION PASSED BY THE FACULTY

ON MAY 1, 1900

AND TO THE HONORABLE CHANCELLOR OF THE UNIVERSITY

AND TO THE FACULTY OF THE UNIVERSITY

OF THE UNIVERSITY OF CHICAGO

IN RESPONSE TO A RESOLUTION PASSED BY THE FACULTY

ON MAY 1, 1900

AND TO THE HONORABLE CHANCELLOR OF THE UNIVERSITY

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THE UNIVERSITY OF CHICAGO

DEPARTMENT OF MATHEMATICS

PROFESSOR OF MATHEMATICS

IN RESPONSE TO A RESOLUTION PASSED BY THE FACULTY

1 I'm a member of the American Board of Trial Advocates, a  
2 national organization of attorneys which is oriented both in the  
3 defense and the plaintiff's side of the law, and which really  
4 believes more in just the jury system than in anything else.

5 I've been president of the Sacramento County Bar  
6 Association and worked through two terms on that board of  
7 directors.

8 Frankly, I believe that our school, Hastings, has the --  
9 is the best school on the Pacific coast. I want to be part of  
10 its Board and help it along.

11 CHAIRMAN ROBERTI: One of the controversies that you  
12 are, I suspect, currently faced with is building at Hastings.  
13 Some Legislators, especially in the other House, are concerned  
14 about Hastings' expansion and the fact that they think  
15 residential hotels may have to be demolished.

16 Have you taken a position on that? If so, what? And if  
17 your position is that the college must expand, are there any  
18 provisions being made to ease the burden on the people who live  
19 in these hotels?

20 MR. LOBNER: I've attended one meeting. I missed the  
21 last meeting because I had to be in the east on a trial.

22 But at the meeting of the Board which I attended that  
23 matter was discussed. And it appears that the school is  
24 attempting to accommodate the people who are affected by the  
25 expansion movement of the school.

26 The people of San Francisco are represented, apparently,  
27 in that endeavor, and apparently there are negotiations which are  
28 ongoing.



1 My own view of it is that the school announced 20 years  
2 or 30 years ago what particular parts of the neighborhood it  
3 needed in order to expand, and it is following that course.

4 Of course some of the things that it has been able to  
5 furnish to its students has been largely a result of the fact  
6 that they have had a successful expansion.

7 CHAIRMAN ROBERTI: Senator Petris.

8 SENATOR PETRIS: Wasn't the controversy on that the  
9 expulsion of tenants for converting parts of it to a commercial  
10 income producing source rather than retain it for housing for  
11 students?

12 MR. LOBNER: My understanding of it, Senator, is that  
13 San Francisco has a very militant organization of tenants which  
14 follows the expansion of commercial buildings which might impinge  
15 upon the availability of apartment dwellers' accommodations. So,  
16 where ever this occurs throughout the city, I understand that  
17 they aggressively fight it.

18 SENATOR PETRIS: What is the major use of the building  
19 going to be?

20 MR. LOBNER: The ones that I was referring to that were  
21 referred to at the Board meeting were some very small apartments,  
22 and I think an old hotel, which probably at this point have over  
23 lived their usefulness so far as age is concerned.

24 SENATOR PETRIS: Thank you.

25 CHAIRMAN ROBERTI: Any further questions?

26 SENATOR CRAVEN: Move Mr. Lobner.

27  
28



1 CHAIRMAN ROBERTI: Senator Craven moves Mr. Lobner's  
2 confirmation be recommended to the Floor,

3 How many members are there on the Board of Directors?

4 MR. LOBNER: Including the Chief Justice, I believe  
5 there are twelve.

6 CHAIRMAN ROBERTI: There are eleven gubernatorial  
7 appointments and the Chief Justice?

8 MR. LOBNER: That's my understanding of it.

9 CHAIRMAN ROBERTI: Secretary will call the roll.

10 SECRETARY WEBB: Senator Doolittle. Senator Mello.  
11 Senator Petris.

12 SENATOR PETRIS: Aye.

13 SECRETARY WEBB: Senator Craven.

14 SENATOR CRAVEN: Aye.

15 SECRETARY WEBB: Senator Roberti.

16 CHAIRMAN ROBERTI: Aye.

17 The vote is three to nothing; confirmation is  
18 recommended to the Floor.

19 MR. LOBNER: Thank you, Senators.

20 CHAIRMAN ROBERTI: Mr. James R. Knapp, Member of the  
21 Board of Directors, Hastings College of Law.

22 Mr. Knapp, we'll ask you the same question: Why you  
23 feel you're qualified to assume this position?

24 MR. KNAPP: I graduated at Hastings 25 years ago and  
25 practiced law for a number of years. I haven't practiced law for  
26 the last 16 years.





1 I've been involved with Hastings when they set up the  
2 Hastings Law Center Foundation, which was about a decade ago, and  
3 that was an entity that acquired property for Hastings to do this  
4 expansion thing you're very familiar with. And I worked on that.

5 Hastings was awfully good to me. I've had a background  
6 -- I was a chief national officer of a large utility company here  
7 in California for ten years, Pacific Lighting Corporation, and I  
8 also presently am a real estate developer of sorts in Southern  
9 California.

10 I don't have any conflict because I have no projects at  
11 all in San Francisco or the Bay Area, for that matter.

12 I've worked with this present Dean of the Law School in  
13 an advisory capacity and his predecessor.

14 Hastings was awfully good to me.

15 SENATOR PETRIS: You live down south?

16 MR. KNAPP: I live in Orange County.

17 CHAIRMAN ROBERTI: Is this expansion primarily for the  
18 student housing?

19 MR. KNAPP: Well, it's really two different issues.  
20 There is a major expansion for student housing, and that's the  
21 old Federal Building, which was the Empire Hotel in the '20s or  
22 '30s.

23 And what I think is causing a controversy now, and I've  
24 only attended two meetings of the Board, but is a building to be  
25 built right next to the 200 Building, right across from the  
26 original Hastings building, and that is planned as an office  
27 building.

28



1           And there are a number of tenants in old hotels.  
2 Hastings has owned these properties for a decade or so. I  
3 arranged the financing with a couple of the major California  
4 banks to get that done. And there's been an EIR, and it's a  
5 very, very much of a political issue.

6           I know this, that there's no desire on Hastings' behalf  
7 not to properly relocate any of the tenants.

8           CHAIRMAN ROBERTI: What can you do about relocation?

9           MR. KNAPP: I can't tell you specifically, but --

10          CHAIRMAN ROBERTI: What are your options?

11          MR. KNAPP: To provide them better housing than they  
12 have right now. The housing is not first class in any respect.

13          CHAIRMAN ROBERTI: Within San Francisco?

14          MR. KNAPP: Yes.

15          There's been a very complete EIR, and I think K. Lobner  
16 mentioned this was an issue that is out of proportion to what's  
17 really involved. There are very few residents. Many of the  
18 people have expired over the last ten or fifteen years since  
19 Hastings has owned the property.

20          CHAIRMAN ROBERTI: I take it you're not letting out new  
21 rent --

22          MR. KNAPP: I don't think so. I hope not.

23          CHAIRMAN ROBERTI: About how many people would you say  
24 are involved here?

25          MR. KNAPP: I really can't answer you, but I would say,  
26 Senator, fifteen or twenty.

27          CHAIRMAN ROBERTI: Any further questions of Mr. Knapp?  
28



1 SENATOR CRAVEN: Move Mr. Knapp.

2 CHAIRMAN ROBERTI: Senator Craven moves Mr. Knapp's  
3 confirmation to the Floor.

4 Is there any discussion or debate? Is there any  
5 opposition?

6 Hearing none, the Secretary will call the roll.

7 SECRETARY WEBB: Senator Doolittle. Senator Mello.  
8 Senator Petris.

9 SENATOR PETRIS: Aye.

10 SECRETARY WEBB: Senator Craven.

11 SENATOR CRAVEN: Aye.

12 SECRETARY WEBB: Senator Roberti.

13 CHAIRMAN ROBERTI: Aye.

14 The vote is three to nothing; confirmation is  
15 recommended to the Floor.

16 Congratulations.

17 MR. KNAPP: Thank you.

18 My wife is here, who put me through Hastings.

19 CHAIRMAN ROBERTI: Congratulations to all of you.

20 (Thereupon this portion of the  
21 Senate Rules Committee hearing was  
22 terminated at approximately 3:55 P.M.)

23 --oo0oo--  
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CERTIFICATE OF SHORTHAND REPORTER

I, EVELYN MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 17<sup>th</sup> day of April, 1986.

  
EVELYN MIZAK  
Shorthand Reporter









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STATE OF CALIFORNIA

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12 SACRAMENTO, CALIFORNIA

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16 WEDNESDAY, APRIL 30, 1986

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27 Evelyn Mizak  
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APPEARANCESMEMBERS PRESENT

SENATOR DAVID ROBERTI, Chairman

SENATOR WILLIAM CRAVEN, Vice-Chairman

SENATOR JOHN DOOLITTLE

SENATOR HENRY MELLO

MEMBERS ABSENT

SENATOR NICHOLAS PETRIS

STAFF PRESENT

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Appointments

ALSO PRESENT

ABEL S. ARMAS, Member  
Youthful Offender Parole Board

ROBERT BORG, Warden  
California State Prison, Folsom

JAMES W. MORGAN, Deputy Secretary  
Health and Welfare Agency

BARBARA SIANEZ, Director  
VAC-PAC



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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: We will now go to Item Number Four, Governor's Appointees appearing today, Abel S. Armas, Member of the Youthful Offender Parole Board.

Mr. Armas.

MR. ARMAS: Yes, sir.

CHAIRMAN ROBERTI: We'll ask you what we ask all the Governor's Appointees, and that is why you feel you're qualified to assume this position?

MR. ARMAS: Mr. Chairman and Members, I'm a resident of Los Angeles, and my background is law enforcement. I was privileged to serve on the Los Angeles Police Department for 32 years. I recently retired in 1985.

I have a background in making preliminary investigations of crimes, and talking to crime victims and witnesses, and preparing evidence for presentation in court.

I also have experience in vice law enforcement, in juvenile law enforcement, and in supervision of detective functions, and ultimately I was commanding officer of the North Hollywood Field Services Division.

I've been on the Board, Youthful Offender Parole Board, since last June, and now I have experience in conducting initial hearings, annual reviews, referrals for parole, parole revocation hearings and discharges, and I would welcome the opportunity to continue to serve for a full term.



1 CHAIRMAN ROBERTI: Any further discussion or debate on  
2 Mr. Armas?

3 SENATOR CRAVEN: Move Mr. Armas' confirmation to the  
4 Floor.

5 CHAIRMAN ROBERTI: Senator Craven moves Mr. Armas'  
6 confirmation to the Floor.

7 Is there any opposition in the audience?

8 Secretary will call the roll.

9 SECRETARY WEBB: Senator Doolittle.

10 SENATOR DOOLITTLE: Aye.

11 SECRETARY WEBB: Senator Mello.

12 SENATOR MELLO: Aye.

13 SECRETARY WEBB: Senator Craven.

14 SENATOR CRAVEN: Aye.

15 SECRETARY WEBB: Senator Roberti.

16 CHAIRMAN ROBERTI: Aye.

17 The vote is four to nothing; confirmation is recommended  
18 to the Floor.

19 Congratulations.

20 MR. ARMAS: Thank you, gentlemen.

21 CHAIRMAN ROBERTI: Mr. Robert Borg, Warden of the  
22 California State Prison at Folsom.

23 Mr. Borg, we'll ask you the same question: Why you feel  
24 you're qualified to assume this position.

25 MR. BORG: I've been in the Department of Corrections  
26 for 26 years, and I have experience in 10 different institutions  
27 in the State of California. The last 22 years have been spent in  
28 supervisory and management positions.





1 Most recently I was Superintendent at the California  
2 Rehabilitation Center in Norco until I went as Acting Warden at  
3 Folsom Prison in October of 1985.

4 I have a Bachelor's Degree in Correctional  
5 Administration earned at Sacramento State, 1971, and I taught at  
6 the community college level for approximately seven years also in  
7 correctional administration.

8 I recognize the job at Folsom is a very difficult one,  
9 but I believe I have the experience, background, motivation,  
10 ability, and the staff to handle that job.

11 CHAIRMAN ROBERTI: Is there any discussion or debate on  
12 Mr. Borg?

13 Is there any opposition in the audience or any concerns  
14 in the audience? Come forward.

15 MS. SIANEZ: Hello. My name is Barbara Sianez. I'm the  
16 Director of VAC-PAC, which stands for Visitors Assistance Clinic-  
17 Prisoners Assistance Clinic.

18 I'm here on behalf of the visitors and inmates of Folsom  
19 Prison.

20 We have concerns regarding the current conditions under  
21 Mr. Borg's administration, but first I'd like to take this  
22 opportunity to acknowledge the improvements that have come about  
23 in the last several months.

24 Mr. Borg is responsible for a cleaner environment by  
25 means of encouraging proper disposal of wastes; inmate daily  
26 services such as showers, quality of food, clothing and bedding  
27 exchange has improved, and even during a lockdown, the services  
28



1 to the inmates is still a top priority. He has implemented a  
2 Men's Advisory Council, thus improving relations between inmate  
3 population, staff, and administration. Credit also has to be  
4 given to the selection of family visiting staff.

5 However, there are many valid concerns that need to be  
6 addressed. As we all know, visiting and mail serve a vital link  
7 between the incarcerated and the outside community. Studies have  
8 shown this helps decrease violence.

9 With the increase of inmates and visitors, little  
10 improvement has been made to meet the demands. Recently there  
11 has been a drastic change in policy. There are two additional  
12 sections to the main visiting room, but the annex has since been  
13 closed and only those who are not closed custody are allowed to  
14 use the patio. In the past, prior to the tighter security that  
15 exists at Folsom today, this class of inmates were allowed to  
16 visit outside and were also allowed night visiting.

17 Presently we have to deal with unnecessary delays in  
18 processing visitors, getting the inmates to the visiting room,  
19 and not having adequate space for visitors, causing termination  
20 of visiting, resulting in a discouragement of visiting.

21 Along with those discouragements, the amount of time it  
22 takes for mail to be processed in or out of Folsom does not  
23 follow the rule that requires a 24-hour period for processing  
24 mail. Mail sent from the Middle East is received by an inmate  
25 faster than if sent from the post office at the prison.

26 These are just a few concerns among many that exist at  
27 Folsom. We would like to believe Mr. Borg will continue efforts  
28



1 to combine with concerned visitors to explore the issues relating  
2 to visiting and the reduction of violence among inmates.

3 Thank you very much.

4 CHAIRMAN ROBERTI: Thank you, and I appreciate your  
5 testimony.

6 I would like to also add, however, that my staff has  
7 visited Folsom. Their report to me of the improvements at Folsom  
8 regarding the staff and also in the operation and handling of  
9 inmates is marked. It's something that's been of concern to us  
10 for some time, and it's appreciated, and I think you're doing a  
11 fine job.

12 I expect you will take into consideration all the  
13 concerns that are voiced to you.

14 MR. BORG: I certainly will.

15 CHAIRMAN ROBERTI: Is there further discussion or  
16 debate?

17 SENATOR DOOLITTLE: Move confirmation.

18 CHAIRMAN ROBERTI: Senator Doolittle moves confirmation  
19 be recommended to the Floor.

20 Is there any opposition in the audience?

21 Seeing none, the Secretary will call the roll.

22 SECRETARY WEBB: Senator Doolittle.

23 SENATOR DOOLITTLE: Aye.

24 SECRETARY WEBB: Senator Mello.

25 SENATOR MELLO: Aye.

26 SECRETARY WEBB: Senator Craven.

27 SENATOR CRAVEN: Aye.





1 SECRETARY WEBB: Senator Roberti.

2 CHAIRMAN ROBERTI: Aye.

3 The vote is four to nothing; confirmation is recommended  
4 to the Floor.

5 Congratulations.

6 MR. BORG: Thank you very much.

7 CHAIRMAN ROBERTI: Mr. James W. Morgan, Deputy  
8 Secretary, Health and Welfare Agency.

9 Mr. Morgan, we'll ask you the same question: Why you  
10 feel you're qualified to assume this position?

11 MR. MORGAN: Mr. Chairman, Members, prior to joining  
12 State service in 1984, I spent 17 years in the private sector as  
13 a broadcast journalist, and I worked in several states and had  
14 the opportunity to observe and chronicle the impact of the  
15 legislative process on the general public. And then in 1984, I  
16 joined State service as the Chief of the Office of Information  
17 and Public Affairs for one of the departments within the Health  
18 and Welfare Agency, and that afforded me yet a closer opportunity  
19 to observe the process.

20 I feel that I bring a kind of insight into it in  
21 addition to a degree of enthusiasm that would benefit the  
22 process.

23 CHAIRMAN ROBERTI: Is there any discussion or debate?  
24 Is there any opposition?

25 SENATOR DOOLITTLE: I just have one point of discussion.

26 Mr. Morgan and I have talked before about reimbursement  
27 rates for some of these development centers, and I would hope we  
28 could continue to work on that issue.



1 I know there's one here that I'm particularly concerned  
2 about near my district.

3 MR. MORGAN: Yes, sir.

4 SENATOR CRAVEN: I would move Mr. Morgan's confirmation  
5 to the Floor.

6 CHAIRMAN ROBERTI: Senator Craven moves Mr. Morgan's  
7 confirmation to the Floor.

8 I just have a couple questions.

9 One, Gramm-Rudman is going to be on us or is on us right  
10 now.

11 How do you anticipate those federal cuts are going to be  
12 felt in your agency?

13 MR. MORGAN: Well, we have, of course, the Gramm-Rudman  
14 cuts impact a spread of two State fiscal years, and as you're  
15 aware, a Finance letter has been forwarded with respect to  
16 backfilling in the senior nutrition area, and the in-home  
17 supportive services, and I believe it's child protective services  
18 for the current year.

19 We're still in the process of, as you know, the May  
20 Revise, and quite frankly, with as cloudy a crystal ball as there  
21 is with respect to the Gramm-Rudman constitutionality, it's very  
22 difficult to predict what the impact will be at this time.

23 CHAIRMAN ROBERTI: There has been some concern that in  
24 the education regarding the AIDS epidemic, and also of research,  
25 there's a lack of coordination between various agencies both  
26 horizontally within the State and vertically at various levels of  
27 government in California.



1 Is the Agency at this point developing plans to  
2 integrate all the various programs more carefully?

3 MR. MORGAN: Yes, we are. And as a matter of fact, in  
4 the area of AIDS, unlike a majority of the other areas, the  
5 Agency's role is not as great as Dr. Kizer's role. Dr. Kizer, as  
6 you know, has been designated by the Governor as the person to  
7 coordinate AIDS efforts statewide.

8 The Health and Welfare Agency's role in that is to  
9 assist in that coordination, and as a matter of fact, one of the  
10 processes that we have gone through with Dr. Kizer is the  
11 formation of an internal task force to deal with individually  
12 high risk groups, such as the IV drug population, and the  
13 Director of the Alcohol and Drug Programs, for example, is  
14 working with Dr. Kizer to deal with those issues.

15 CHAIRMAN ROBERTI: Any further questions? Senator  
16 Mello.

17 SENATOR MELLO: You mentioned the Finance letter about  
18 backfilling the nutrition cutbacks in Gramm-Rudman.

19 Why isn't the Department and the Administration  
20 supporting the Title III(b) cutback which effected transportation  
21 and other services?

22 MR. MORGAN: I must confess, Senator, I'm drawing a  
23 blank on that bill.

24 SENATOR MELLO: You took the occasion to say that we're  
25 supporting the cutbacks in nutrition. It just happens I have a  
26 bill, Senate Bill 1114, sitting over there in the Assembly. And  
27 I called to the Administration's attention that there would be  
28





1 1.2 million of the reduction in senior nutrition funds, home  
2 delivered meals and congregate meals.

3 The Administration supports the 1.2 million; the 700,000  
4 is to get the meals delivered to the home-bound.

5 And the Governor and your Administration is tying up my  
6 bill so that the minority party to a person is not voting for it.  
7 It needs 54 votes. If somebody would say the word, we could get  
8 this bill on the Governor's desk and get it signed.

9 I mean, you just struck a note that really gets me  
10 rattled up to a certain extent.

11 I'm not blaming you for it, but I think when you say  
12 you're backfilling nutrition funds, you're actually not, because  
13 you're getting the food somewhere, but you're not getting it into  
14 the mouths of the people who really need it.

15 Maybe you can go back and do a little more research and  
16 let me know what you find out.

17 MR. MORGAN: I'd be happy to, Senator.

18 SENATOR MELLO: I'm ready to move. I'm ready to support  
19 your confirmation, too, but I hope that we can get what I think  
20 is a commitment that we've made in the bill to not cut back on  
21 the nutrition programs.

22 MR. MORGAN: I understand.

23 SENATOR CRAVEN: I'm confident that Mr. Morgan can  
24 investigate and find out what he can to satisfy the inquiry of  
25 Senator Mello.

26 Mr. Morgan's area of operation as well as his area of  
27 expertise over there is not really as a policy maker. He is in  
28





1 effect the gentleman who informs the public as to what they're  
2 doing, what they can do, and what is available to the people as a  
3 whole.

4 All of that he gets by direction from higher authority  
5 than his own; is that not correct?

6 MR. MORGAN: That is correct.

7 SENATOR CRAVEN: So he's a disseminator of information.  
8 He's not a policy maker unless it's a policy as to public  
9 relations work, which he is very familiar with.

10 SENATOR MELLO: I realize that, Senator Craven, but he's  
11 the only person I have.

12 (Laughter)

13 SENATOR CRAVEN: The only one we can beat on.

14 SENATOR MELLO: If he were Dr. Kizer I would ask him the  
15 same question.

16 Some of the other chiefs are here, too. Maybe they can  
17 all go back and talk about it.

18 SENATOR CRAVEN: I'm sure they will.

19 CHAIRMAN ROBERTI: Any further discussion or debate?

20 Any opposition in the audience?

21 Hearing none, the Secretary will call the roll.

22 SECRETARY WEBB: Senator Doolittle.

23 SENATOR DOOLITTLE: Aye.

24 SECRETARY WEBB: Senator Mello.

25 SENATOR MELLO: Aye.

26 SECRETARY WEBB: Senator Craven.

27 SENATOR CRAVEN: Aye.  
28



1 SECRETARY WEBB: Senator Roberti.

2 CHAIRMAN ROBERTI: Aye.

3 The vote is four to nothing; the confirmation is  
4 recommended to the Floor.

5 Congratulations.

6 MR. MORGAN: Thank you very much.

7 (Thereupon this portion of the Senate  
8 Rules Committee hearing was terminated  
9 at approximately 3:10 P.M.)

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CERTIFICATE OF SHORTHAND REPORTER


I, EVELYN MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

30<sup>th</sup> day of April, 1986.

  
EVELYN MIZAK  
Shorthand Reporter









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27 Evelyn Mizak  
28 Shorthand Reporter



APPEARANCES

MEMBERS PRESENT

SENATOR WILLIAM CRAVEN, Vice-Chairman

SENATOR JOHN DOOLITTLE

SENATOR HENRY MELLO

SENATOR NICHOLAS PETRIS

MEMBERS ABSENT

SENATOR DAVID ROBERTI, Chairman

STAFF PRESENT

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Appointments

ALSO PRESENT

WILLIAM LANSDALE, Member  
California Horse Racing Board

JANANNE SHARPLESS, Member and Chairperson  
Air Resources Board





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P R O C E E D I N G S

--oo0oo--

VICE-CHAIRMAN CRAVEN: We have Governor's Appointees, Mr. Lansdale and Ms. Sharpless. We'll take them in order.

Mr. Lansdale, the Chairman always asks the Appointees why they feel qualified to handle the job for which they have been nominated. We'll ask you the same question.

MR. LANSDALE: Senator, the best of my knowledge would be my -- I think my long history of business, and most of the items that come up before the Racing Commissioner are of a business nature.

I'm familiar with horses, about going to the track and so on. But as far as being a veterinarian or something of that nature, I'm not.

But I think my business background is what would qualify me for that.

VICE-CHAIRMAN CRAVEN: I see, very well.

Do we have any questions from any of the Members of the Committee?

SENATOR DOOLITTLE: Move confirmation.

VICE-CHAIRMAN CRAVEN: Senator Doolittle has moved confirmation to the Floor.

Discussion, debate? There's none.

Call the roll.

SECRETARY WEBB: Senator Doolittle.

SENATOR DOOLITTLE: Aye.

SECRETARY WEBB: Senator Mello.



1 SENATOR MELLO: Aye.

2 SECRETARY WEBB: Senator Petris.

3 SENATOR PETRIS: Aye.

4 SECRETARY WEBB: Senator Craven.

5 VICE-CHAIRMAN CRAVEN: Aye.

6 SECRETARY WEBB: Senator Roberti.

7 The vote is four to zero.

8 VICE-CHAIRMAN CRAVEN: Mr. Lansdale, we're happy to give  
9 you a 4-0, and your confirmation will be recommended to the  
10 Floor. It'll be taken up shortly.

11 Congratulations.

12 MR. LANSDALE: Thank you very much, Senators.

13 VICE-CHAIRMAN CRAVEN: You're entirely welcome, sir.  
14 Thank you.

15 Next, Ms. Sharpless, Member and Chair of the Air  
16 Resources Board.

17 You've asked if we may record your comment.

18 MS. SHARPLESS: Of course.

19 VICE-CHAIRMAN CRAVEN: No problem. We'll put out an  
20 L.P., get a good cover on it.

21 MS. SHARPLESS: Great.

22 VICE-CHAIRMAN CRAVEN: Big smile; touch up the hair a  
23 little bit, maybe a little more blond. It really sells.

24 (Laughter)

25 VICE-CHAIRMAN CRAVEN: Slinky gown.

26 MS. SHARPLESS: Are you going to be my manager, Senator  
27 Craven?  
28





1 VICE-CHAIRMAN CRAVEN: I used to be an A & R man.

2 MS. SHARPLESS: That's sounding good so far.

3 VICE-CHAIRMAN CRAVEN: We should tell them what A & R  
4 means.

5 Please tell us, Ms. Sharpless, what you feel qualifies  
6 you to handle this very important position?

7 MS. SHARPLESS: Thank you, Senator.

8 It's nice to be back in the halls where I feel like I've  
9 spent so much time.

10 I'd like to start off by just giving you a little bit of  
11 my background. I am a native Californian. Growing up here I've  
12 learned to appreciate the special beauty and unique resources  
13 that this great state has.

14 I've also grown up feeling that most Californians expect  
15 a special quality of life here, and that we have to be wise  
16 stewards of our environment, both for now and for the future.

17 I've spent most of my professional life devoted to the  
18 development of public policy, both in the area of environmental  
19 issues and others, and I feel that I am attuned to the special  
20 problems of this state, and have worked the last 16 years, both  
21 in the legislative process and with regulatory agencies, to try  
22 to solve these problems.

23 For the last three years, since about April, 1983, I  
24 have been particularly involved with environmental issues. I've  
25 been Deputy Secretary of Environmental Affairs, and for the last  
26 year I have been acting -- I have been the Chairwoman of the Air  
27 Resources Board.

28



1 I feel that during that time I can point to some major  
2 accomplishments, including the adoption of the first anti-soot  
3 standards for diesels, buses and trucks, for tightening up  
4 standards on NOX emissions for passenger cars, and for  
5 negotiating the stiffest air quality stipulations for off shore  
6 oil drilling anywhere in the nation.

7 I feel privileged to have the opportunity to be a part  
8 of these accomplishments. California is a special state with  
9 unique problems, and I welcome the opportunity to be a part of  
10 coming up with unique solutions.

11 VICE-CHAIRMAN CRAVEN: Very well. Thank you very much,  
12 Ms. Sharpless.

13 Do either Senators Mello or Doolittle have any  
14 questions? Senator Mello appears to.

15 SENATOR MELLO: Just a couple of brief statements.

16 I knew Jan when I was over in the Assembly and she was a  
17 consultant with the Ways and Means Committee, and so I've known  
18 her background.

19 She was kind enough to come in and discuss with me at  
20 length a lot of her feelings and philosophies about off shore  
21 drilling, and I will not belabor those points today.

22 I do thank you for sending me information regarding the  
23 lease sale that you and I discussed.

24 I guess the only comment I want to make is that I  
25 disagree with Governor Deukmejian's position on off shore  
26 drilling, and I think there's justification from my point of  
27 view. He's written a letter to halt the moratorium back in  
28



1 Washington. He is on record as wanting to dismantle the  
2 California Coastal Commission. He has removed from the budget  
3 those seven positions that deal with the outer continental shelf.

4 I think this position that you have is an extremely  
5 important one, because you can serve as, I think, a balance to  
6 his philosophy and be helpful to him in maybe turning some of his  
7 positions around, and I hope that you will do it. I think that  
8 you, number one, owe your allegiance to him, naturally, because  
9 he's your appointing authority.

10 On the other hand, I think preserving our coastline is  
11 so important for generations to come and for the future. If we  
12 don't make those tough decisions today and try to protect these  
13 unique resources we have, and public access, recreation, and the  
14 ability to manage endangered species in areas that could be  
15 really endangered without having good management, then I think  
16 future generations will lack the ability to enjoy what I consider  
17 to be California's most important resource.

18 So, I feel that with your background and your commitment  
19 that you will do the best job you can. And my hope is that you  
20 will be aggressive in looking at these resources and trying,  
21 where you feel personally that certain programs should not occur,  
22 such as the off shore drilling, that you will make your voice  
23 heard to him loud and clear. I know he has respect for you, and  
24 he will hopefully hear what you're saying and that will have some  
25 influence on his decisions.

26 I'm going to let you off easy without asking you any  
27 questions.  
28





1 MS. SHARPLESS: Thank you, Senator.

2 I do -- I would like to respond to the extent that we  
3 did have this discussion, and I think that there is a  
4 misunderstanding by the public of what the Governor's position is  
5 on off shore oil drilling.

6 We have been very aggressive in protecting the coast, as  
7 demonstrated by our negotiations on the two prior lease sales,  
8 Lease Sale 73 and Lease Sale 80.

9 The Governor's position is that we do need long-term  
10 protection of the coastline, and that is the basis for his  
11 opposition to moratoria. He's felt that moratoria really hasn't  
12 brought the State anything; that the proponents of moratoria have  
13 backed that position because they felt that they needed that  
14 leverage in order to come up with some kind of negotiation. But  
15 four years have passed, and nothing's happened.

16 So the Governor's approach is to do it through the  
17 system that's been established by Congress and through tough  
18 negotiations with the Department of Interior.

19 SENATOR MELLO: Just to follow up on that comment, I  
20 think one of the reasons why nothing has happened is because at  
21 least during the four years, they had reached a compromise with  
22 Secretary Hodel that was -- both sides gave. I know that the  
23 side that wants to protect the coastline opened up some tracks  
24 for drilling, which they thought they had to do in order to  
25 preserve other tracks in the State that had more significance.

26 But as you recall, while he went through this  
27 negotiation, he's the one who reneged on it and forced us into a  
28





1 situation then where right now there's nothing on the table to  
2 discuss, other than we're asking for a moratorium in order to try  
3 to get back at the negotiation tables, with Secretary Hodel  
4 hoping we can come up with either what we previously had agreed  
5 to or something similar to that.

6 So that's why. I don't believe in moratoriums either,  
7 but I think people entering into agreements in good faith, then  
8 when the Secretary reneged on his commitment, that left us with  
9 no protection at all.

10 MS. SHARPLESS: I understand your feelings, Senator.

11 SENATOR DOOLITTLE: I guess I just observes, Mr.  
12 Chairman, the number of the energy companies when I reviewed this  
13 agreement that basically had been cut between the California  
14 Congressional delegation and Hodel. It was a bad agreement which  
15 would have left us vulnerable energy resource-wise. So, when the  
16 hearings were held, when the information came out, Hodel -- not  
17 defending Hodel, although I'm personally delighted that he  
18 abrogated that agreement. I think it was a bad agreement, but  
19 that's a philosophical difference that the Members have here, and  
20 I know the Governor is involved in it, too.

21 I'd move your confirmation, if that's appropriate, Mr.  
22 Chairman.

23 VICE-CHAIRMAN CRAVEN: I'm sorry, John. Were you  
24 addressing me?

25 SENATOR DOOLITTLE: Moving the confirmation.

26 VICE-CHAIRMAN CRAVEN: You were moving the confirmation.  
27 Very well.  
28



1 Are there any other comments? None.

2 Call the roll.

3 SECRETARY WEBB: Senator Doolittle.

4 SENATOR DOOLITTLE: Aye.

5 SECRETARY WEBB: Senator Mello.

6 SENATOR MELLO: Aye.

7 SECRETARY WEBB: Senator Petris. Senator Craven.

8 VICE-CHAIRMAN CRAVEN: Aye.

9 SECRETARY WEBB: Senator Roberti.

10 The vote is three to zero.

11 VICE-CHAIRMAN CRAVEN: Congratulations.

12 MS. SHARPLESS: Thank you very much.

13 VICE-CHAIRMAN CRAVEN: I'm going to keep the roll open  
14 because I think Senator Petris would like to be on the roll call,  
15 and if the Chairman does return, I'm sure he will as well.

16 MS. SHARPLESS: Thank you very much.

17 VICE-CHAIRMAN CRAVEN: Regardless, you have 3-0, and  
18 that's all you really need.

19 SENATOR MELLO: She's been very nervous up to now, and  
20 I'm glad that the being nervous is over.

21 VICE-CHAIRMAN CRAVEN: I don't really know --

22 MS. SHARPLESS: You mean the pain?

23 VICE-CHAIRMAN CRAVEN: -- why she should be nervous. I  
24 think she's preeminently qualified. As she's said, she's devoted  
25 so much of her working life to the governmental profession and  
26 most recently in this area, which I think she finds herself very  
27 well-qualified.  
28



1 So, we're delighted to move your confirmation.

2 MS. SHARPLESS: Thank you very much.

3 (Thereupon this portion of the  
4 Senate Rules Committee hearing was  
5 terminated at approximately 3:40 P.M.)

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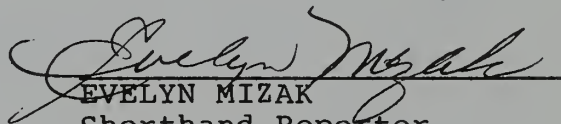
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SENATOR JOHN DOOLITTLE

SENATOR HENRY MELLO

MEMBERS ABSENT

SENATOR DAVID ROVERTI, Chairman

SENATOR NICHOLAS PETRIS

STAFF PRESENT

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Appointments

ALSO PRESENT

GEORGE R. BAILEY, Member  
Air Resources Board

AGNES I. CHAN, Member  
State Board of Education



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State Board of Education

3

Motion

4

Committee Action

4

Termination of Proceedings

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Certificate of Reporter

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P R O C E E D I N G S

--oo0oo--

VICE CHAIRMAN CRAVEN: I know one of the Appointees appearing today has a plane to catch. I'd like to give him an opportunity to testify at this time.

There being no objection, that's what we'll do. Governor's Appointees appearing today, Item Two of your agenda, the first of which is George R. Bailey, Member, Air Resources Board.

Mr. Bailey, would you please come up and address the Committee, and tell them why you feel you are qualified for this position.

MR. BAILEY: Thank you, Mr. Chairman, Members of the Committee.

I have served for 26 years in all areas of local government. I've survived eight election campaigns. I feel I know the problems of our region concerning the air resources and various pollution problems.

I think the fact that I have had the support of the entire area many times in many of my actions leads me to believe that the common sense that I can apply to the actions of the committee will serve it in good stead.

VICE CHAIRMAN CRAVEN: Very well.

This is, of course, Supervisor Bailey from San Diego County. And just divesting myself of my role here this afternoon, I've known Mr. Bailey for many, many years and have seen him serve in so many aspects of local county government. I know his very, very fine record.





1 I would be certainly remiss if I did not say that I  
2 think he is preeminently qualified for any position that the  
3 Governor may have chosen to nominate him for.

4 SENATOR MELLO: Move the confirmation.

5 VICE CHAIRMAN CRAVEN: Moved by Senator Mello.

6 Anyone in the audience objecting? There appears to be  
7 none.

8 Call the roll.

9 SECRETARY WEBB: Senator Doolittle.

10 SENATOR DOOLITTLE: Aye.

11 SECRETARY WEBB: Senator Mello.

12 SENATOR MELLO: Aye.

13 SECRETARY WEBB: Senator Petris. Senator Craven.

14 VICE CHAIRMAN CRAVEN: Aye.

15 SECRETARY WEBB: Senator Roberti.

16 VICE CHAIRMAN CRAVEN: Three to zero.

17 Congratulations, Supervisor Bailey.

18 MR. BAILEY: Thank you, Bill. I thank you for your nice  
19 words.

20 I would like to say that my first recollection of  
21 Senator Craven is when he was on the Planning Commission, I  
22 believe, of Oceanside.

23 VICE CHAIRMAN CRAVEN: That's right.

24 MR. BAILEY: We started out together somewhere between  
25 25 and 28 years ago.

26 VICE CHAIRMAN CRAVEN: Right after the Boer War, I think  
27 it was.  
28



(Laughter.)

MR. BAILEY: Thank you.

VICE CHAIRMAN CRAVEN: Thank you, George.

Congratulations.

SENATOR MELLO: Mr. Chairman, may I tell you about a problem I have.

I'm next up to testify before the conference committee, and I just wonder what this does. There's a lot of little projects there that I want to go and protect.

Could you operate as a subcommittee? Is that possible? Then I could come back.

VICE CHAIRMAN CRAVEN: Well, is Agnes Chan here? I don't think Ms. Chan's confirmation is going to take too long.

SENATOR MELLO: All right.

VICE CHAIRMAN CRAVEN: This is Agnes I. Chan, Members, State Board of Education.

Ms. Chan, we'll ask you the same thing that we ask all nominees, and that is why you feel you are qualified for this position.

MS. CHAN: Thank you, Senator.

For the 30 years I served as a teacher, counselor, consultant to the San Francisco Unified School District, and for the past three and a half years I have served on the State Board of Ed., and I was reappointed by the Governor.

I feel there's a great deal that needs to be done yet in improving education, so I'd like to continue on the job.

VICE CHAIRMAN CRAVEN: Very well.



1 Were you appointed originally by Governor Deukmejian?

2 MS. CHAN: Yes, his first appointee.

3 VICE CHAIRMAN CRAVEN: So you're filling out a term?

4 MS. CHAN: I'm filling out about three and a half years.

5 I did appear before you before.

6 VICE CHAIRMAN CRAVEN: And he's seen fit to reappoint  
7 you, or renominate you.

8 Very well.

9 SENATOR MELLO: Move confirmation to the Senate Floor.

10 VICE CHAIRMAN CRAVEN: Senator Mello moves.

11 Is there anyone in the audience in objection? There  
12 appears to be none.

13 Call the roll.

14 SECRETARY WEBB: Senator Doolittle.

15 SENATOR DOOLITTLE: Aye.

16 SECRETARY WEBB: Senator Mello.

17 SENATOR MELLO: Aye.

18 SECRETARY WEBB: Senator Petris. Senator Craven.

19 VICE CHAIRMAN CRAVEN: Aye.

20 SECRETARY WEBB: Senator Roberti.

21 VICE CHAIRMAN CRAVEN: Three to zero.

22 Congratulations.

23 MS. CHAN: Thank you very much.

24 (Thereupon this portion of the Senate  
25 Rules Committee hearing was terminated  
26 at approximately 2:18 P.M.)

27 --oo0oo--



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28<sup>th</sup> day of May, 1986.

  
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ALSO PRESENT

WILLIAM A. CRAIG, Member  
Public Employment Relations Board

JOHN S. LAGARIAS, Member  
Air Resources Board

JAMES F. McMULLEN  
State Fire Marshal

MICHAEL R. MONAGAN, Member  
Occupational Safety and Health Appeals Board

ALSO PRESENT

JACK HENNING  
California Labor Federation, AFL-CIO

LEO MAYER, President  
CSEA

AARON READ  
California Association of Highway Patrolmen  
California Department of Forestry Firefighters

JERRY MATTHEWS  
California State Firemen's Association

ART CARTER  
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P R O C E E D I N G S

--oo0oo--

CHAIRMAN ROBERTI: Governor's Appointees appearing today, Mr. William Craib, Member of the Public Employment Relations Board.

SENATOR CRAVEN: Quite frequently his name and my name are confused.

CHAIRMAN ROBERTI: I know who the person is.

MR. CRAIB: How soon we forget, Mr. Chairman.

I'm William A. Craib, and as stated in the document, I'm here for a confirmation hearing for appointment as a Board Member of the Public Employment Relations Board.

CHAIRMAN ROBERTI: We could ask you why you feel you're qualified to assume this position, but I think we know all about you.

MR. CRAIB: I'll go ahead and tell you anyway, but you better give me a time limit.

I've been involved in labor for over 50 years. I was active with the union before I came to work for the State. I immediately got active in the California State Employees' Association, working myself up from a group leader up to the state President of CSEA for three years. And I was involved in labor relations all the way down the line. During that tenure, I was also a member of the West Borough County Water District Board of Directors for 16 years, and I handled all the negotiations for the District, and I was five years President.





1           So, I do have the experience on both sides of labor and  
2 management. I'm looking forward -- this has been an eight-year  
3 old dream since we got the SEERA/HEERA Act involved, coming under  
4 PERB. I feel very fortunate that I was selected for this  
5 position.

6           Of course, I'm looking for the confirmation of the Rules  
7 Committee and the Senate. I hope that this does come through.

8           If there's any other questions to add to my background,  
9 I'd be happy to do it. I've got a lot of it there.

10          CHAIRMAN ROBERTI: Any further questions?

11          SENATOR CRAVEN: I would move the confirmation to the  
12 Floor of Mr. Craib, Mr. Chairman.

13          CHAIRMAN ROBERTI: Senator Craven has moved Mr. Craib's  
14 confirmation.

15          Is there any support in the audience?

16          SENATOR CRAVEN: You brought in the heavy weights, Bill.

17          MR. CRAIB: I brought the guns.

18          CHAIRMAN ROBERTI: Every once in a while we trust the  
19 appointment by a Republican Governor, so you don't have to be too  
20 nervous.

21                               (Laughter.)

22          MR. HENNING: Mr. Chairman, Members of the Committee,  
23 Jack Henning, California Labor Federation.

24          We are pleased to recommend confirmation. We have known  
25 Mr. Craib for many years. He brings experience and talent to  
26 this position.

27

28



1           You may remember that we were the organization involved  
2 with the legislation that actually brought PERB into being, and  
3 we are most pleased to recommend this confirmation.

4           MR. MAYER: Mr. Chairman, I'm President of the  
5 California State Employees plus the President of the Service  
6 Employees International Union State Council.

7           I, too, support Bill Craib's confirmation. He stated  
8 he's had experience on both sides as management as a member of  
9 the labor force, and I think he can do a very excellent job in  
10 representing everyone on that Board.

11          MR. READ: Mr. Chairman, Member, Aaron Read,  
12 representing the California Association of Highway Patrolmen.

13          We've known Bill Craib for many, many years, and we  
14 second everything that's been said.

15          CHAIRMAN ROBERTI: Now for the opposition. We will only  
16 give you one hour.

17                               (Laughter.)

18          SENATOR MELLO: They're waiting outside, Bill.

19          MR. CRAIB: Thanks a lot, Senator.

20                               (Laughter.)

21          CHAIRMAN ROBERTI: Seeing none, Senator Craven has a  
22 motion before us.

23          Secretary will call the roll.

24          SECRETARY WEBB: Senator Doolittle.

25          SENATOR DOOLITTLE: Aye.

26          SECRETARY WEBB: Senator Mello.

27          SENATOR MELLO: Aye.



1 SECRETARY WEBB: Senator Petris.

2 SENATOR PETRIS: Aye.

3 SECRETARY WEBB: Senator Craven.

4 SENATOR CRAVEN: Aye.

5 SECRETARY WEBB: Senator Roberti.

6 CHAIRMAN ROBERTI: Aye.

7 The vote is five to nothing; confirmation is recommended  
8 to the Floor.

9 Congratulations and good luck.

10 MR. CRAIB: I'd like to make one brief comment, if I may  
11 before I leave.

12 CHAIRMAN ROBERTI: Please.

13 MR. CRAIB: I want to especially thank Nancy Michel and  
14 her staff over there. She was very congenial and very helpful.  
15 Helped me get my papers and stuff together, and also calling up  
16 for additional information after I got the letter for this  
17 appointment today.

18 And I want to thank you for this one step further,  
19 there's only one more step to go, of letting me go forward to  
20 continue my career in public service in something that I really  
21 love. Thank you very much.

22 CHAIRMAN ROBERTI: You do a good job at it. Thank you,  
23 Bill.

24 The next is Mr. John S. Lagarias, Member of the Air  
25 Resources Board.

26 MR. LAGARIAS: I'm John S. Lagarias, here for  
27 confirmation for appointment to the Air Resources Board.

28





1 CHAIRMAN ROBERTI: Any discussion or debate? Senator  
2 Petris.

3 SENATOR PETRIS: I have some questions, although I'd  
4 like to have the privilege of making the motion. I guess it  
5 doesn't matter how he answers them; I'm committed to making the  
6 motion.

7 What is elutriation of solid particles? I notice you  
8 have a patent on that process. What does that mean?

9 MR. LAGARIAS: That's filtering them out according to  
10 particle size, separation by air.

11 SENATOR PETRIS: It has to do with pollution control?

12 MR. LAGARIAS: No, it has to do with measurement of fine  
13 particles which leads to pollution control.

14 SENATOR PETRIS: Thank you.

15 Here's something you have a patent on and I don't even  
16 know what it means. It shows you the extent of my technical  
17 knowledge, scientific knowledge.

18 How long have you been on the Board now?

19 MR. LAGARIAS: Since January 31st.

20 SENATOR PETRIS: I do have some questions I'd like to  
21 ask about policy and your recommendations, where you think we  
22 should go.

23 One of the things that is constantly at issue in our  
24 halls is the difference in standards between the State and  
25 federal laws. There's one school of thought that feels that  
26 there ought to be a uniformity and we should go with whatever the  
27 federal government does, meaning either the Congress or whatever  
28



1 agency is acting in the field; or whether our standards should be  
2 higher if our information indicates the problem is greater than  
3 the average across the country and we need higher standards to  
4 cope with our particular problem.

5 What's your feeling on that?

6 MR. LAGARIAS: Well, the State of California has  
7 traditionally always been two to three years ahead of the federal  
8 government in adopting programs, probably because people in this  
9 State feel more strongly about the preservation of the  
10 environment and are more willing to act quickly.

11 Certainly it's desirable to have common standards  
12 throughout the country for air pollution control, but I don't  
13 think it's essential that we wait for a national consensus if  
14 we've reached the conclusion that we want a better environment  
15 now.

16 SENATOR PETRIS: Do you think it's okay for us to be  
17 ahead where we think it's important and necessary for us?

18 MR. LAGARIAS: Yes, sir.

19 SENATOR PETRIS: Does that apply across the board? Is  
20 there any particular problem with doing that, for example, with  
21 automobiles?

22 MR. LAGARIAS: Yes, there's a problem with it, and it's  
23 not a decision one would come to lightly.

24 I would think that we would certainly consider the  
25 national interests and try to stay with the national standards.  
26 If we feel that we're not moving rapidly enough at the federal  
27 level, then I see nothing wrong with moving more quickly.  
28



1           SENATOR PETRIS: How about acid rain? Are facing that  
2 problem in California?

3           All the things I've read seem to be in conflict. You  
4 know, some people say there's really no problem at all anywhere  
5 in the country; of course, others are very strong in their  
6 feelings that there is a problem, and we ought to be moving on  
7 it.

8           What if any kind of problem do we have in California  
9 with acid rain?

10          MR. LAGARIAS: As you know, there's no consensus in the  
11 state of knowledge on acid rain. The Kapiloff bill, which you  
12 passed, was designed to determine where and what the sources are  
13 in this State.

14          At the present time, we do not have the sulfur oxide  
15 emission problem that's more common in the East and Mid West, but  
16 the nitrogen oxide and the ozone problem are of greater concern  
17 to us now.

18          SENATOR PETRIS: How do you see the role of the Board?  
19 Should the Board just take whatever statutes we enact and adopt  
20 the regulations, and then go ahead and force them? Or should the  
21 Board also look ahead and perhaps make recommendations to us on  
22 foreseeable problems that we might anticipate?

23          MR. LAGARIAS: Well, I think the primary charge to the  
24 Board is to implement the statutes that you've passed. But  
25 certainly it has the responsibility of giving guidance and  
26 expertise where it has it as to the direction in which  
27 legislation should be directed.

28





1           SENATOR PETRIS: How's our Motor Vehicle Inspection  
2 program doing?

3           We had an awful lot of static in the beginning, but I  
4 haven't heard much lately. Is that leveling off statewide?

5           MR. LAGARIAS: Well, I serve on the advisory council of  
6 the Bay Area District, and there is a survey now in progress to  
7 determine how the I&M program is coming along.

8           I believe that the I&M program has been moving quite  
9 well, and that we are getting positive results. And it is a  
10 positive step forward.

11          SENATOR PETRIS: I've carried some bills in the area of  
12 combustible materials, plastic pipes and so forth. I've had  
13 maybe three or four in the last few years. There's a big  
14 controversy there.

15          What's the state of the art there now? Are we making  
16 progress in building standards which will reduce the danger of  
17 fire due to the combustibility of materials?

18          MR. LAGARIAS: I'm not sure I can answer that with  
19 certainty. I know that many of the plastic materials are adding  
20 compounds that retard their combustibility, so that they are less  
21 flammable.

22          SENATOR PETRIS: I notice the agency has approved the  
23 use of plastic pipes for sprinkler systems. I don't know if  
24 that's universal or just in certain kinds of buildings.

25          Can you comment specifically on that pursuant to track  
26 record, testing?

27          MR. LAGARIAS: I think that's a good application.  
28





1           SENATOR PETRIS:   It's okay?

2           MR. LAGARIAS:   Yes, sir.

3           SENATOR PETRIS:   I have a very important final question.

4           I should know this by now. I know your son very well,  
5 who's a distinguished lawyer in San Francisco.

6           MR. LAGARIAS:   Yes, sir, thank you.

7           SENATOR PETRIS:   What part of Greece do your folks come  
8 from?

9           MR. LAGARIAS:   My parents, my mother and father, came  
10 from northern Greece, from a town called Stanimaho (phonetic).  
11 It's now called Asenograd, on the other side of the Macedonian  
12 border.

13          SENATOR PETRIS:   Would you support a resolution to get  
14 it back?

15                               (Laughter.)

16          MR. LAGARIAS:   Yes, I think I would.

17          SENATOR PETRIS:   Thank you.

18          Mr. Chairman, at the proper time I'd like to have the  
19 honor of making the motion.

20          VICE CHAIRMAN CRAVEN:   Very well, you may make it,  
21 Senator Petris. I'll call, after you make the motion, if there  
22 area any other comments.

23          SENATOR PETRIS:   I would like to move confirmation. He  
24 has a very distinguished record in his field, and we're lucky to  
25 have him serving on our Air Resources Board.

26          VICE CHAIRMAN CRAVEN:   Very well.

27          Are you a New Yorker, Mr. Lagarias?

28



1 MR. LAGARIAS: I grew up in upstate New York, yes, sir.

2 VICE CHAIRMAN CRAVEN: I see you went to Rensselaer.

3 That's why I asked. It would seem to follow.

4 Is there anyone in the audience who wishes to speak in  
5 support? Anyone in objection?

6 There appears to be none. Call the roll, please.

7 SECRETARY WEBB: Senator Doolittle.

8 SENATOR DOOLITTLE: Aye.

9 SECRETARY WEBB: Senator Mello.

10 SENATOR MELLO: Aye.

11 SECRETARY WEBB: Senator Petris.

12 SENATOR PETRIS: Aye.

13 SECRETARY WEBB: Senator Craven.

14 VICE CHAIRMAN CRAVEN: Aye.

15 SECRETARY WEBB: Senator Roberti.

16 VICE CHAIRMAN CRAVEN: The vote is four to zero.

17 Congratulations.

18 MR. LAGARIAS: Thank you, sir.

19 VICE CHAIRMAN CRAVEN: Item Number Three, James F.  
20 McMullen, State Fire Marshal.

21 Mr. McMullen, we ask all the Appointees the state why  
22 they feel that that they are qualified for the position to which  
23 they have been nominated.

24 MR. McMULLEN: Thank you, Senator.

25 I am James McMullen, and I have been serving as the  
26 State Fire Marshal for the past 11½ months. I was appointed last  
27 July 1st.  
28



1 Prior to that, I have had 23 years experience in the  
2 California fire service, and the last six as Fire Chief for the  
3 City of Campbell.

4 I feel that I have widespread support from all sectors  
5 of the California fire service, the Chiefs' Organization and the  
6 Firefighters Organization, and I'm very pleased with the support  
7 from both labor and management in the fire service.

8 VICE CHAIRMAN CRAVEN: Very well.

9 Are there any questions of the committee?

10 SENATOR MELLO: Move it.

11 VICE CHAIRMAN CRAVEN: Moved by Senator Mello.

12 Is there anyone who wishes to speak in support? Yes,  
13 please come forward, Jerry.

14 MR. MATTHEWS: My name is Jerry Matthews. I represent  
15 the California State Firemen's Association, approximately 28,000  
16 members.

17 We look at the Fire Marshal as being the titular head of  
18 the fire service for the State of California. We've worked very  
19 hard for Jim McMullen's appointment by the Governor, and we're  
20 equally in support after 11½ months of his confirmation by the  
21 Senate. We urge your aye vote.

22 Thank you, Mr. Chairman and Members.

23 MR. CARTER: Thank you, Mr. Chairman and Members. I'm  
24 Art Carter representing the California Pipe Trades Council.

25 We are also in support of Mr. McMullen's appointment. I  
26 recently had occasion to work with him on a problem, and I felt  
27 that his openness and receptivity to discussing it was one that  
28 merited somebody that you wanted to continue working with.





1           This will be my second Republic that the organization  
2 has supported for confirmation this year, so I think that's also  
3 worth noting.

4           VICE CHAIRMAN CRAVEN: We will see that no one knows  
5 about it.

6                           (Laughter.)

7           SENATOR PETRIS: You're getting very soft or  
8 enlightened; one or the other.

9           VICE CHAIRMAN CRAVEN: Thank you very much.

10          Aaron.

11          MR. READ: Thank you very much, Mr. Chairman and  
12 Members. Aaron Read representing the California Department of  
13 Forestry Firefighters. We're also associated with the Federated  
14 Firefighters, and I know I speak for Brian Hatch when I say that  
15 all of our firefighters support the nomination of Jim.

16          We believe that he's got the qualifications and balance,  
17 both sides. We are here to support.

18          VICE CHAIRMAN CRAVEN: Very well.

19          Is there anyone who would dare speak in opposition?  
20 Appears to be none.

21          Would you call the roll, please.

22          SECRETARY WEBB: Senator Doolittle.

23          SENATOR DOOLITTLE: Aye.

24          SECRETARY WEBB: Senator Mello.

25          SENATOR MELLO: Aye.

26          SECRETARY WEBB: Senator Petris.

27          SENATOR PETRIS: Aye.

28



1 SECRETARY WEBB: Senator Craven.

2 VICE CHAIRMAN CRAVEN: Aye.

3 SECRETARY WEBB: Senator Roberti.

4 VICE CHAIRMAN CRAVEN: Four to zero.

5 MR. McMULLEN: Thank you very much.

6 VICE CHAIRMAN CRAVEN: Next is Item Four, Michael R.  
7 Monagan, Member, Occupational Safety and Health Appeals Board.

8 Mr. Monagan, we'll ask you as we asked the others to  
9 state why you feel you are qualified for the appointment?

10 MR. MONAGAN: Thank you, Mr. Chairman and Members.

11 Prior to my appointment last summer, I spent 12 years as  
12 a pilot with Western Airlines, and prior to that I was a pilot in  
13 the Navy for five years.

14 I don't think I can think of a profession or a vocation  
15 that is as committed to safety as the professional pilots are.  
16 Nobody really understands the tragic consequences that happen  
17 when safety is forgotten.

18 So with that background, and from that arena, the  
19 transition to Cal OSHA Appeals Board is very simple, simply  
20 because I have that commitment to job safety and the  
21 understanding of the importance.

22 VICE CHAIRMAN CRAVEN: Very well.

23 Any questions by Members of the Committee? Senator  
24 Petris.

25 SENATOR PETRIS: The last time I looked into the OSHA  
26 structure, there were shortages in a number of inspectors for  
27 various functions. In fact, when the Governor first came in,  
28



1 there were wholesale cuts, part of which was caused, I'm sure, by  
2 the economic crunch that we faced at the time. But some of us  
3 tried to get him to restore a lot of those cuts.

4 Where are we now with respect to the staffing for OSHA  
5 inspectors?

6 MR. MONAGAN: It's my understanding, Senator, that the  
7 level of vacancies now is as low as it's been in the last 10  
8 years. There's maybe only two or three out of 200, less than one  
9 percent, maybe two percent.

10 SENATOR PETRIS: Assuming it becomes full crew, the full  
11 200, is that number adequate or should there be more? Some  
12 people contend there ought to be more.

13 MR. MONAGAN: Well, you're really getting into an area  
14 of the division rather than the Appeals Board. I know the  
15 division has made great strides --

16 SENATOR PETRIS: It might make your work easier if there  
17 were more.

18 MR. MONAGAN: The division has made great strides in  
19 trying to improve the efficiency of the 200 assigned inspectors.  
20 They have -- they did more inspections in 1985 than they did the  
21 previous three or four years, is my understanding.

22 It would make our job more difficult if we had more  
23 inspectors because that would certainly generate more appeals.

24 SENATOR PETRIS: Were you on the Board when they handled  
25 the Capri matter?

26 MR. MONAGAN: No, sir.

27 SENATOR PETRIS: Are you familiar with it?  
28





1 MR. MONAGAN: Yes, sir.

2 SENATOR PETRIS: It seems to me it's a very narrow  
3 ruling that applies only where the carcinogeneses material is  
4 being actually used and not next door.

5 How do you interpret that?

6 MR. MONAGAN: Well, since I was not involved in the  
7 process and the whole series of how it came about, you're right,  
8 it is narrow. There needed to be a definition for what actually  
9 is a use of a carcinogen. It was our job to make that decision.  
10 The Labor Code --

11 SENATOR PETRIS: Is the statute too vague or inadequate?

12 MR. MONAGAN: Yes, sir.

13 SENATOR PETRIS: Do you think it needs to be improved?

14 MR. MONAGAN: Yes, sir.

15 SENATOR PETRIS: Can you have somebody send me a  
16 sentence or two of proposed improvement? I'm interested in that.

17 MR. MONAGAN: Absolutely.

18 SENATOR PETRIS: Maybe we can work together on it,  
19 because I've been, as all of us have I think, been very sensitive  
20 to the cancer problem and the increasing number of employees who  
21 come down with cancer because of the nature of the work they do.  
22 It's a big danger in the work place.

23 So, wherever we can help prevention, I think we ought to  
24 be acting very vigorously.

25 MR. MONAGAN: The fact that part of the Carcinogen  
26 Control Act does not define its use only precludes it from being  
27 a serious violation. It can still be --  
28





1           SENATOR PETRIS: It can be so decided, but they have the  
2 different categories, and the serious violation is, I guess, the  
3 most --

4           MR. MONAGAN: A serious violation would cause a penalty,  
5 but either a serious or general violation would prevent that  
6 particular job site or that particular act from continuing.

7           SENATOR PETRIS: It would require correction?

8           MR. MONAGAN: Yes, sir.

9           SENATOR PETRIS: What's the status of your backlog now?

10          MR. MONAGAN: As far as first level appeals?

11          SENATOR PETRIS: Case load, yes.

12          MR. MONAGAN: Averages about six or seven months from  
13 the time the appeal is filed until it's actually heard. We get  
14 involved with --

15          SENATOR PETRIS: Until the hearing?

16          MR. MONAGAN: Until the hearing. We get involved with  
17 continuance problems, either from the employers side or from the  
18 Division's side. Without a continuance, we can get a hearing on  
19 calendar in about three or four months.

20          SENATOR PETRIS: There's always one side or the other,  
21 sometimes both, that want to continue it.

22          MR. MONAGAN: Quite often it's both.

23          SENATOR PETRIS: Does the Board normally just grant it  
24 in order to accommodate them?

25          MR. MONAGAN: We have tried to tighten up that process a  
26 little bit.

27

28



1           SENATOR PETRIS: Do you think the penalty system works  
2 in changing the behavior of an erratic employer?

3           MR. MONAGAN: Well, that's the intent, and I think it  
4 does. The magnitude of penalties can be very high.

5           SENATOR PETRIS: How high do they go?

6           MR. MONAGAN: If you're talking about a willful serious  
7 violation, a carcinogen violation, you could get a \$20,000  
8 penalty very easily.

9           Obviously the average for all the penalties is something  
10 less than that. A \$500 penalty for a small businessman may be  
11 very significant.

12          SENATOR PETRIS: It goes up into the thousands?

13          MR. MONAGAN: Yes, sir. We have a case that involves  
14 numerous citations, and the penalty's up around \$80,000, I think.

15          SENATOR PETRIS: Thanks.

16          VICE CHAIRMAN CRAVEN: Thank you very much.

17          Anyone else?

18          SENATOR DOOLITTLE: Move confirmation.

19          VICE CHAIRMAN CRAVEN: Senator Doolittle moves.

20          Is there anyone who wishes to speak in favor of the  
21 appointment? Mr. Henning.

22          MR. HENNING: Mr. Chairman, Members of the Committee, we  
23 regard this as an excellent appointment. You may recall that  
24 last year we were greatly concerned with the language that the  
25 directed the Chief Executive to make appointments to this Board.

26          We appreciate that a reconciliation has been realized in  
27 this, and there could not be anyone with superior credentials  
28 appointed than those held by Mr. Monagan.



1           It's our position that someone from organized labor  
2 should be appointed, and certainly not someone from that  
3 mysterious thing called unorganized labor.

4           Mr. Monagan has been an official of the Airline Pilots  
5 Association. As he indicated, by reason of that he's sensitive  
6 to all the implications and the consequences of industrial safety  
7 and the indifference toward industrial safety by the employer  
8 group.

9           We are very happy to urge his confirmation.

10          VICE CHAIRMAN CRAVEN: Thank you, Mr. Henning.

11          Anyone else who wishes to comment? Senator Petris.

12          SENATOR PETRIS: Are you related to Bob Monagan?

13          MR. MONAGAN: The name's familiar.

14          SENATOR PETRIS: Is that your dad?

15          MR. MONAGAN: Yes.

16          SENATOR PETRIS: My old seat mate.

17          VICE CHAIRMAN CRAVEN: You wouldn't hold that against  
18 him, would you, Nick?

19          SENATOR PETRIS: No, I was going to accelerate the  
20 motion.

21          VICE CHAIRMAN CRAVEN: Very well.

22          Anyone who wishes to speak in opposition? There appears  
23 to be no one.

24          It has been moved by Senator Doolittle. Would you call  
25 the roll, please.

26          SECRETARY WEBB: Senator Doolittle.

27          SENATOR DOOLITTLE: Aye.

28





1 SECRETARY WEBB: Senator Mello.

2 SENATOR MELLO: Aye.

3 SECRETARY WEBB: Senator Petris.

4 SENATOR PETRIS: Aye.

5 SECRETARY WEBB: Senator Craven.

6 VICE CHAIRMAN CRAVEN: Aye.

7 SECRETARY WEBB: Senator Roberti.

8 VICE CHAIRMAN CRAVEN: The vote is four to zero;  
9 confirmation approved.

10 Congratulations.

11 (Thereupon this portion of the Senate  
12 Rules Committee hearing was terminated  
13 at approximately 2:50 P.M.)

14 --oo0oo--  
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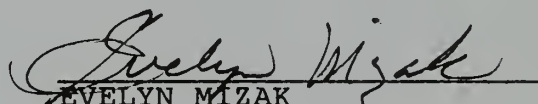
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I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

5th day of June, 1986.

  
EVELYN MIZAK  
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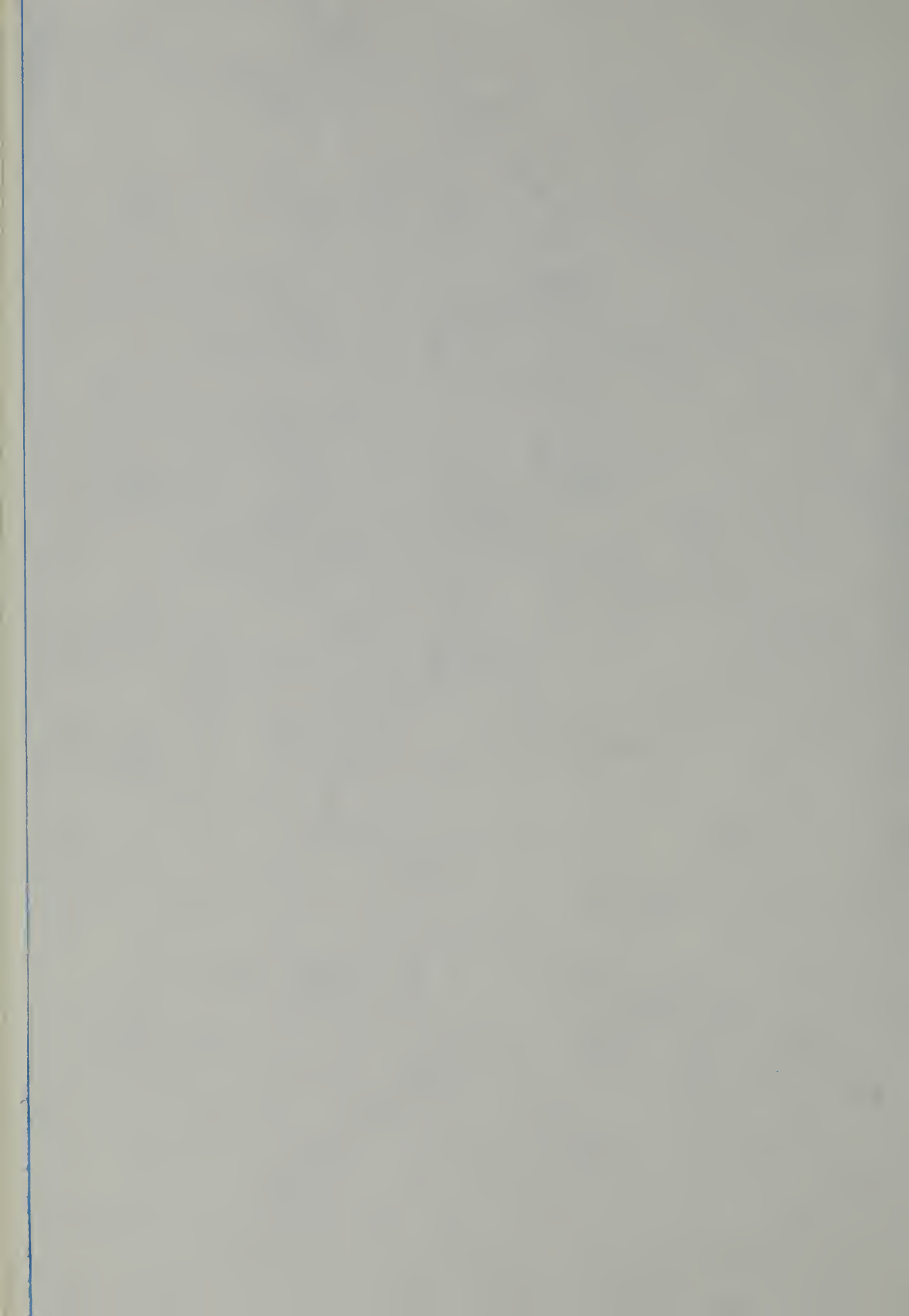
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17 2:00 P.M.  
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27 Evelyn Mizak  
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APPEARANCES

MEMBERS PRESENT

SENATOR DAVID ROBERTI, Chairman

SENATOR JOHN DOOLITTLE

SENATOR HENRY MELLO

SENATOR NICHOLAS PETRIS

MEMBERS ABSENT

SENATOR WILLIAM CRAVEN, Vice-Chairman

STAFF PRESENT

CLIFF BERG, Executive Officer

PAT WEBB, Committee Secretary

RICK ROLLENS, Consultant on Bill Referrals

NANCY MICHEL, Consultant on Appointments

ALSO PRESENT

SENATOR ROSE ANN VUICH

SENATOR WILLIAM CAMPBELL

LLOYD AUBRY, JR., Chief  
Division of Labor Standards Enforcement

CLAUDIA HAMPTON, Ed.D.  
Trustee of the California State University

TIRSO DEL JUNCO, M.D., Member  
Regents of the University of California

LEO S. KOLLIGIAN, Member  
Regents of the University of California

ARMEN SARAFIAN, Member  
State Board of Education

GEORGE N. ZENOVICH



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P R O C E E D I N G S

--oo0oo--

SENATOR CAMPBELL: I support personally both Leo and Dr. Del Junco, and I'd like to recommend them very highly as being very well qualified and would do a good job on the Board of Regents, in spite of my support.

CHAIRMAN ROBERTI: Very good. It's duly noted.

On that, I've just received a request from a Senator to ask if Dr. Del Junco's confirmation could be put over for a week. We generally respect the requests. I'm sorry that I didn't indicate that earlier, however.

SENATOR DOOLITTLE: Could I just ask, Dr. Del Junco flew up here today for this.

CHAIRMAN ROBERTI: What we could do is, we could have the hearing and put the vote over.

SENATOR CAMPBELL: Who made the request?

CHAIRMAN ROBERTI: We'll put the vote over and we will have the hearing.

(Thereupon the Committee returned to legislative items on the agenda.)

CHAIRMAN ROBERTI: We will take Governor's Appointees, and we'll take them up in inverse order so that everybody whose name starts with "A" does not always get the advantage around here.

(Thereupon the Committee returned to legislative items on the agenda.)

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1 CHAIRMAN ROBERTI: Senator Petris, will you assume the  
2 gavel.

3 The first item that we will take up is the confirmation  
4 of Mr. Armen Sarafian, a Member of the State Board of Education.

5 SENATOR PETRIS: Do you want to come forward.

6 The Chair traditionally asks the nominee why the nominee  
7 feels qualified to accept this position and assume the duties.

8 Why do you think you're qualified? You can start with  
9 whatever other statement you might want to make to the Committee  
10 before we ask questions.

11 MR. SARAFIAN: I've had a lifetime involvement in  
12 education. I've been involved with elementary and secondary  
13 education as a teacher and administrator, and then I've been a  
14 president of two different colleges, one public and one private.

15 SENATOR PETRIS: Which ones?

16 MR. SARAFIAN: Pasadena City College, where I was also  
17 Superintendent, and the University of Laverne.

18 SENATOR PETRIS: Are there any questions of this  
19 nominee?

20 SENATOR DOOLITTLE: Move confirmation.

21 SENATOR PETRIS: Does anyone care to testify either on  
22 behalf or opposed to the nominee?

23 If not, we have a motion. Call the roll.

24 SECRETARY WEBB: Senator Doolittle.

25 SENATOR DOOLITTLE: Aye.

26 SECRETARY WEBB: Senator Mello.

27 SENATOR MELLO: Aye.  
28

The first part of the report deals with the general situation of the country. It is a very interesting and informative study of the country's development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's development.

The second part of the report deals with the economic situation of the country. It is a very interesting and informative study of the country's economic development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's economic development.

The third part of the report deals with the social situation of the country. It is a very interesting and informative study of the country's social development. The author has done a great deal of research and has gathered a wealth of material. The report is well written and is a valuable contribution to the study of the country's social development.

1 SECRETARY WEBB: Senator Petris.

2 SENATOR PETRIS: Aye.

3 SECRETARY WEBB: Senator Craven. Senator Roberti.  
4 Three to zero.

5 SENATOR PETRIS: Tough fight, but it looks like you're  
6 doing okay.

7 (Laughter.)

8 MR. SARAFIAN: Thank you.

9 SENATOR PETRIS: Your confirmation will be recommended  
10 to the Floor.

11 Good luck.

12 As long as we're under "-ian's", let's have Mr.  
13 Kolligian and company.

14 SENATOR VUICH: I'm the "and company".

15 SENATOR PETRIS: I'll tell you, Senator Vuich, as you  
16 probably have guessed, and some others, there's some appointments  
17 of the Governor that I have supported very, very strongly, and  
18 others I've disagreed equally strongly.

19 But I have to commend him for drawing upon the  
20 multi-talented Armenian community for some appointments. I think  
21 it's good that he's not bashful about doing that. Some people  
22 would back away, you know, but he's just flooded the place with  
23 them, and they're all terrific.

24 SENATOR VUICH: Well, I'm happy to hear you say that.

25 SENATOR PETRIS: With that introduction, do you want to  
26 make your pitch about why you think you should be appointed?  
27  
28





1 MR. KOLLIGIAN: Well, I'm a Bolt Hall Law School  
2 graduate of the University of California, and I've been  
3 practicing in Fresno for, oh, something over 40 years.

4 I feel I'm qualified because I've been involved in so  
5 many different business experiences and have had the opportunity  
6 to get into land development and go into different -- different  
7 fields of law as well as law itself.

8 I feel that I'm from the Valley. I am Armenian, but --  
9 and, I should say, and I do feel that there's a need for a  
10 representative on the Board from that area for geographical  
11 reasons.

12 SENATOR PETRIS: Anything else? Anything about  
13 education?

14 MR. KOLLIGIAN: No.

15 SENATOR PETRIS: Senator Vuich.

16 SENATOR VUICH: I'd like to add to Leo's qualifications.  
17 I'm sure that you've looked and read the list of professional  
18 organizations and societies that he's been a member of, including  
19 a lot of community work with the Boy's Club, the Heart  
20 Association, Cancer, Bar Association, the Fair Centennial, Boy  
21 Scouts. And at the present time he's a member of the Board of  
22 Directors of the Fresno Metropolitan Museum. Many, many  
23 community things that he has left off of the list.

24 I feel that he's very well qualified to serve. As he  
25 indicated, he's been an attorney for over 40 years in Fresno.  
26 He's a native of Vuich Country, which I think is the best plus  
27 that he could have.  
28



1 But anyway, I think that it's time we have a Regent from  
2 Central California, which is really the heartbeat of the State,  
3 and we haven't been represented on the Regency of the University  
4 of California for quite a while. I highly recommend his  
5 confirmation today.

6 SENATOR PETRIS: Are there any other witnesses who care  
7 to come forward?

8 SENATOR VUICH: The other Legislators from the Valley  
9 have indicated that --

10 SENATOR PETRIS: Plus our former colleague, Senator  
11 Zenovitch, Justice Zenovitch.

12 SENATOR VUICH: Right.

13 MR. ZENOVITCH: Thank you, Mr. Chairman. I'm George  
14 Zenovitch.

15 I would like to second what has been said here about Mr.  
16 Kolligian. I've known him for many years.

17 And by the way, Senator Petris, he was once an Assistant  
18 Attorney General for Robert Kenney here in Sacramento.

19 I know that he is very interested in the educational  
20 system and the university system, and I'm sure he will do a good  
21 job in that sense.

22 SENATOR PETRIS: One of our great Attorneys General in  
23 the history of California.

24 MR. ZENOVITCH: Right.

25 SENATOR PETRIS: Thank you very much.

26 Any other witnesses?

27 Are there any questions?



1           SENATOR MELLO:   Move it.

2           SENATOR PETRIS:   We have a motion.

3           I'd like to ask a couple of questions.   One is on the  
4 fair pay amendment that's apparently qualified for the November  
5 ballot, of Mr. Gann.

6           I'm one of those, among many, who have been very  
7 concerned about the possible impact of that on the University.  
8 First of all, it would, I guess there is a question, and maybe  
9 you have looked at that as a lawyer, but most of us assume that  
10 public employees include University of California; some people  
11 say no.

12           But if it does include the University of California, it  
13 means that the President, all the Chancellors, professors at the  
14 medical school and maybe some other areas would have their pays  
15 just slashed back tremendously.

16           The question is:   If that passes, what is the impact  
17 going to be on the University?   How do you see it personally?

18           MR. KOLLIGIAN:   Chairman Petris, it would be near  
19 disaster, to be honest with you and frank.

20           I don't know if it includes the professors and the  
21 University of California employees, but if it does, it would be a  
22 disaster because if you're not going to pay these doctors more  
23 than \$64,000 a year to teach, you're not going to keep them.  
24 We've got some real high qualified doctors and professors, and if  
25 you have to let them go, they're going to go to some other state  
26 to be employed for a higher salary.

27

28

The first part of the paper discusses the importance of the study and the objectives of the research. It also outlines the methodology used in the study and the results obtained. The second part of the paper discusses the implications of the study and the conclusions drawn from the research. It also outlines the limitations of the study and the areas for further research. The third part of the paper discusses the significance of the study and the contributions it makes to the field. It also outlines the practical applications of the study and the policy implications of the research. The fourth part of the paper discusses the future of the study and the areas for further research. It also outlines the challenges faced by the study and the opportunities for future research. The fifth part of the paper discusses the conclusion of the study and the final thoughts of the researcher. It also outlines the key findings of the study and the overall message of the research.



1           It's not just in the field of medicine, but most of the  
2 professors, the higher professors, are getting \$80-90,000 a year.  
3 Our Chancellors are getting \$105-150,000. So, if you're going to  
4 lose them, you're going to lose them to another state. And that  
5 will deteriorate our education, the quality of education in  
6 California. There's no question about it.

7           I don't know if it includes the University of  
8 California. As a matter of fact, we referred it to the General  
9 Counsel's Office to research that, but I don't know if they're  
10 going to be able to come up with anything concrete one way or the  
11 other.

12           SENATOR PETRIS: Probably a court will have to decide it  
13 if it passes, ultimately.

14           MR. KOLLIGIAN: At best it's litigation.

15           SENATOR PETRIS: As a new member, what do you view as  
16 the most challenging problems before the University now? You as  
17 a Regent.

18           MR. KOLLIGIAN: My feeling is to accommodate the  
19 25-30,000 students that are going to want to go to the  
20 University, and we cannot take on any further enrollment at  
21 U.C.L.A. and Cal Berkeley. Davis can take on about 4-5,000  
22 people, and so can Riverside and Santa Cruz. But that still  
23 leaves us a deficit in the year 2000 of something like 20-25,000  
24 students, and most of them will be minorities, and a lot of those  
25 will be people that are living in the Valley.

26           Sometime soon you may have to decide whether or not we  
27 should have a tenth campus in the Valley to accommodate these  
28

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1 people in the Valley instead of sending them 200 or 300 miles  
2 away to get an education that offers a doctorate degree, whether  
3 or not we should accommodate these people in the Valley with  
4 another University branch in the Valley.

5 SENATOR PETRIS: Well, is there any doubt in your mind  
6 that that's the direction we should go?

7 MR. KOLLIGIAN: No, I think that's pretty clear, and I'm  
8 glad to be here to say that.

9 SENATOR PETRIS: Should planning be underway now?

10 MR. KOLLIGIAN: There's going to be a research -- we're  
11 looking into the numbers now. We're looking to see how many  
12 people or students we will have to accommodate in the year 2000,  
13 and so that is on its way. We should get a report sometime in  
14 October.

15 SENATOR PETRIS: So the University is thinking about it  
16 and looking ahead. I guess they'll be in making their  
17 suggestions to us.

18 MR. KOLLIGIAN: Yes, I have talked personally to  
19 President Gardner about it, and he's all in favor of it. He  
20 wants some more numbers.

21 SENATOR PETRIS: So the answer to the shortage is just  
22 make more accommodations, period.

23 MR. KOLLIGIAN: That's right. That's our big problem in  
24 the next fifteen years.

25 SENATOR PETRIS: Do you have any comment on the Master  
26 Plan? What should the universities --  
27  
28

The first part of the paper discusses the importance of the study and the objectives of the research. It also outlines the methodology used in the study and the results obtained. The second part of the paper discusses the implications of the study and the conclusions drawn from the research. It also outlines the limitations of the study and the areas for further research. The third part of the paper discusses the significance of the study and the contributions it makes to the field. It also outlines the practical applications of the study and the policy implications of the research. The fourth part of the paper discusses the future of the study and the areas for further research. It also outlines the challenges faced by the study and the opportunities for future research. The fifth part of the paper discusses the conclusion of the study and the final thoughts of the researcher. It also outlines the key findings of the study and the overall message of the research.

1 MR. KOLLIGIAN: Yes, the Master Plan should be retained.  
2 It should be retained, Senator.

3 There's no question that it has worked well, and if it's  
4 deteriorated because the CSUs want to issue doctorates, or the  
5 community colleges want to issue doctorates, there's going to be  
6 a run to the well at the Legislature level to get funds. And  
7 it'll be a waste of funds because everybody will be reaching out  
8 for that gold, trying to get as much money as they can to become  
9 a better school. And they'll be treading on each other's  
10 mission.

11 I think each of the colleges has a separate mission, and  
12 I think that should be retained and respected. I think that it  
13 improves the quality of teaching, and I think that it is much  
14 more expedient and money saving to retain it.

15 SENATOR PETRIS: Are you saying the Plan shouldn't be  
16 changed at all?

17 MR. KOLLIGIAN: Now, there may be --

18 SENATOR PETRIS: Or are you just talking about the basic  
19 missions?

20 MR. KOLLIGIAN: The basic. I was talking about the  
21 basic.

22 It's 20 years old, and there may be edges that have to  
23 be cleaned up and modified.

24 SENATOR PETRIS: It seems that the biggest problem area  
25 is the community college in updating its role, which probably is  
26 no threat to the University or any intrusion there.





1 MR. KOLLIGIAN: There should be some affirmative steps  
2 taken by the University and all the different colleges down the  
3 line to the community colleges in taking up affirmative action  
4 and things like that, getting into the K-12, because I think  
5 that's the only way you're going to solve the problem, is tutor  
6 these minorities and educate them --

7 SENATOR PETRIS: At the K-12 level.

8 MR. KOLLIGIAN: Education is worth it, you know. The  
9 parents aren't doing the job. I think we have to step in and do  
10 it for them.

11 SENATOR PETRIS: Do you think the relations between the  
12 three branches are as good as they should be?

13 MR. KOLLIGIAN: Not if you read the papers, but I think  
14 it's --

15 SENATOR PETRIS: What about where you sit?

16 MR. KOLLIGIAN: I think it's going along very smoothly.  
17 I think the proof of the pudding is that some of the states are  
18 now copying the Master Plan of Education that you have adopted in  
19 California. Those that have not adopted it are experiencing that  
20 waste of money and lesser quality of education.

21 SENATOR PETRIS: Does anyone else have questions?

22 We have a motion. Call the roll.

23 SECRETARY WEBB: Senator Doolittle.

24 SENATOR DOOLITTLE: Aye.

25 SECRETARY WEBB: Senator Mello.

26 SENATOR MELLO: Aye.

27 SECRETARY WEBB: Senator Petris.



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1 SENATOR PETRIS: Aye.

2 SECRETARY WEBB: Senator Craven. Senator Roberti.

3 Three to zero.

4 SENATOR PETRIS: You'll be recommended to the Floor.

5 Good luck.

6 MR. KOLLIGIAN: Thank you very much.

7 SENATOR VUICH: Thank you, Members.

8 SENATOR PETRIS: We have Mr. Lloyd Aubry, Jr., Chief,  
9 Division of Labor Standards Enforcement.

10 Mr. Aubry, how long have you been in that spot?

11 MR. AUBRY: Oh, since the end of October, 1985.

12 SENATOR PETRIS: Tell us why you feel you're qualified  
13 to hold down that job.

14 MR. AUBRY: Since the beginning of my career, since I  
15 left law school, I've been involved except for two years in labor  
16 relations matters. When I got out of law school, I began  
17 practicing labor law in San Francisco and did that for three and  
18 a half years.

19 Then I went to Washington and worked for several  
20 Congressmen involved in labor matters as well as foreign policy  
21 and all the other matters that a legislative assistant takes care  
22 of for a Congressman.

23 Then I went and spent three years at the U.S. Department  
24 of Labor as a special assistant involved in many of the programs,  
25 the federal programs, the federal analogs of what I do now as  
26 State Labor Commissioner.

27

28

The first of these is the fact that the  
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 to understand it without a knowledge  
 of the principles of the system.

1           And then when I left Washington in 1984, I came back to  
2 San Francisco and once again practiced labor law. So, I  
3 practiced labor law for five out of my last ten years, and three  
4 and a half years at the Department of Labor.

5           Also, I was interested in labor matters even before I  
6 graduated from law school. When I was in high school, I entered  
7 a scholarship contest that was conducted by the California  
8 Federation, AFL-CIO, and was one of the 50 highest students in  
9 the State of California; won an honorable mention certificate.

10          Also between 1966 and 1975, every summer I spent working  
11 construction. I was a member of the Millwrights Union and paid  
12 for my college and law school education doing construction work.

13          And I also believe that my record over the last nine  
14 months as State Labor Commissioner qualifies me to do it.

15          SENATOR PETRIS: I assume you believe in the statutes  
16 and strong enforcement?

17          MR. AUBRY: I do. And I have been strongly enforcing  
18 them. In fact, one action that I've taken is the -- it's the  
19 first time any Labor Commissioner has sued an awarding body to  
20 require that awarding body to rebid as a public work a job that  
21 had been originally let as a private work and therefore had not  
22 required prevailing wages. We filed a law suit to require that  
23 awarding body to rebid it as a public work. And as I said, it  
24 was the first time any Labor Commissioner had ever done that.

25          SENATOR PETRIS: Well, that's very noteworthy, I think.

26          I'm a member of the Industrial Relations Committee,  
27 which has done a study of some work with the Department. One of  
28



1 the things the Committee found was a six-month normal time period  
2 from the filing of a claim for wages by an employee to the first  
3 hearing.

4 Can that be expedited? It seems like an awful long time  
5 when an issue such as wages is at stake, payment.

6 MR. AUBRY: Right.

7 I'm vaguely familiar with that study. I just heard  
8 about it recently.

9 You know, that study, I understand, was done at the  
10 beginning of this year. In fact, that is a reduction from the  
11 way it was a year ago. We're making a great deal of progress.  
12 In fact, it used to take even longer to get those wage claims to  
13 hearing.

14 I've also taken the step of revising and am about to  
15 revise the procedures that we use to schedule these wage claim  
16 hearings. Policy was issued in the middle of last year which set  
17 forth a mandatory settlement conference. I've decided that that  
18 is not appropriate, that the deputies should have some discretion  
19 as to whether or not they schedule a conference. When you  
20 schedule a conference, you build in further delays into the  
21 process. We're going to eliminate that mandatory settlement  
22 conference.

23 I've also spoken with the consultant who did the study  
24 and asked him to come and present his findings so that he can  
25 help us resolve the problem, because I agree that it shouldn't  
26 take that long.

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1           SENATOR PETRIS: I understand you've having some  
2 cutbacks at the managerial level around the state.

3           If that's true, what impact will that have on speeding  
4 up --

5           MR. AUBRY: I don't think it's going to have any impact.

6           SENATOR PETRIS: You think it might speed it up?

7           MR. AUBRY: Probably so.

8           One of the managers is already gone anyway and has been  
9 gone for, I think, a year. He was the general manager of the  
10 Bureau of Field Enforcement, and that to me was just another  
11 layer that really didn't need to be added.

12           The other position was a IV position, a Deputy Labor  
13 Commissioner IV position, which was in headquarters, and I don't  
14 think that position requires a IV, either.

15           So, I don't think it's going to have any effect on  
16 managing the Department. In fact, I think it will make it  
17 easier.

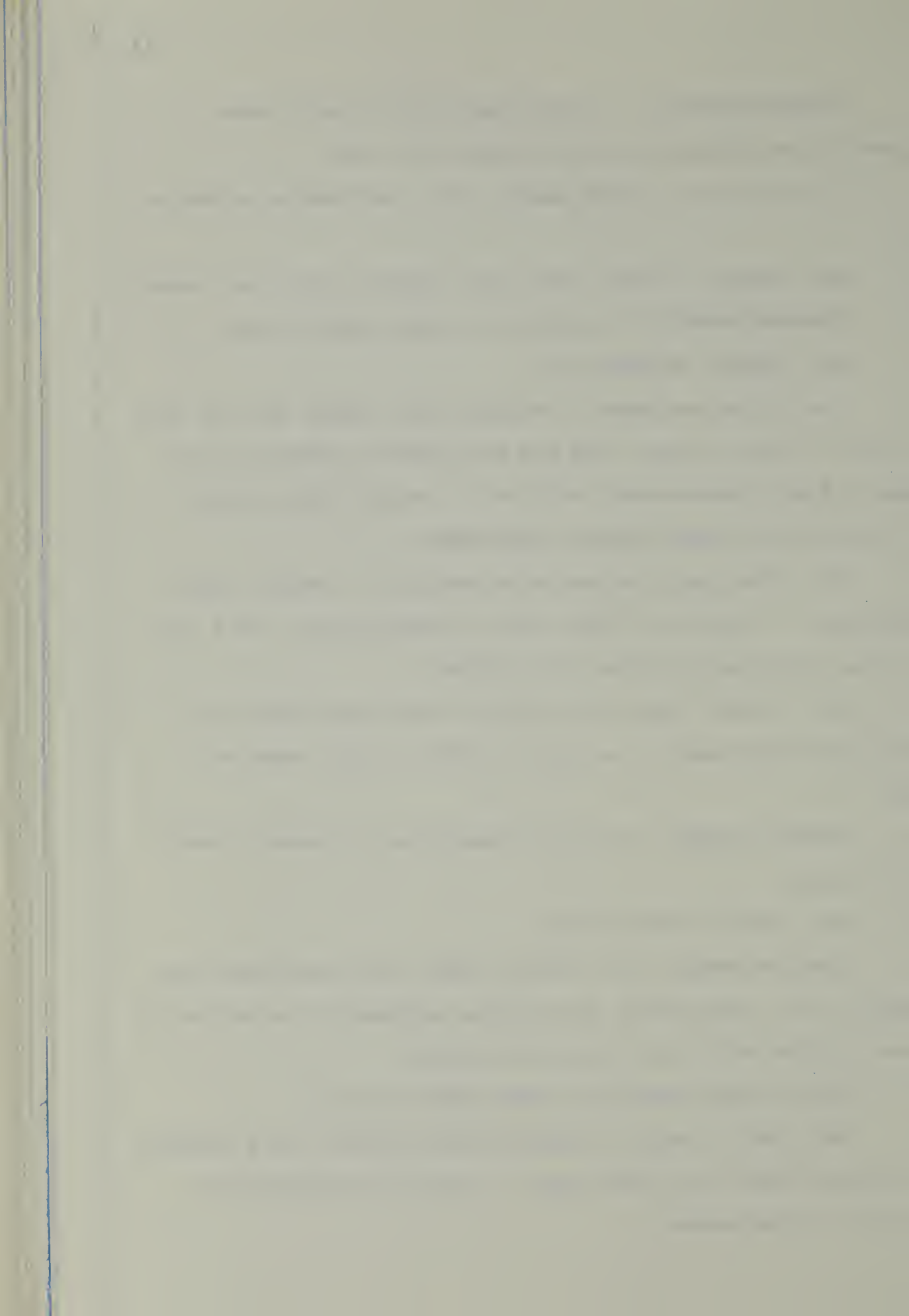
18           SENATOR PETRIS: You're streamlining, I guess is what  
19 you're saying?

20           MR. AUBRY: That's right.

21           SENATOR PETRIS: On another issue, the Davis-Bacon Act  
22 nationally, the Comptroller General has recommended repealing it.  
23 We have a comparable one at the state level.

24           What is your attitude toward that statute?

25           MR. AUBRY: Well, I enforce that statute, and I enforce  
26 the statutes that are on the books. I have no problem with  
27 enforcing it whatsoever.  
28



1           SENATOR PETRIS: Does your enforcement include state  
2 projects, or is it only in the private industry? Say, a highway  
3 contract?

4           MR. AUBRY: Cal Trans enforces its own prevailing wage.  
5 They enforce the prevailing wage statutes that are in the Labor  
6 Code, but they enforce on their own projects.

7           SENATOR PETRIS: So you don't have jurisdiction there?

8           MR. AUBRY: That's right.

9           SENATOR PETRIS: Thanks very much.

10          CHAIRMAN ROBERTI: Any further questions of Mr. Aubry?

11          SENATOR DOOLITTLE: Move confirmation.

12          CHAIRMAN ROBERTI: Senator Doolittle moves confirmation.

13 Mr. Aubry is the Chief, Division of Labor Standards Enforcement.

14          Any opposition? Seeing none, Secretary will call the  
15 roll.

16          SECRETARY WEBB: Senator Doolittle.

17          SENATOR DOOLITTLE: Aye.

18          SECRETARY WEBB: Senator Mello.

19          SENATOR MELLO: Aye.

20          SECRETARY WEBB: Senator Petris.

21          SENATOR PETRIS: Aye.

22          SECRETARY WEBB: Senator Craven. Senator Roberti.

23          CHAIRMAN ROBERTI: Aye.

24          The vote is four to nothing; confirmation is recommended  
25 to the Floor.

26          MR. AUBRY: Thank you very much.

27

28



1 CHAIRMAN ROBERTI: Next is Claudia Hampton, Trustee of  
2 the California State University.

3 Ms. Hampton, we'll ask you what we ask all the  
4 Governor's Appointees: why you feel you're qualified to assume  
5 this position.

6 MS. HAMPTON: My name is Claudia Hampton, and I'd like  
7 to think, Senator, that my record speaks for itself.

8 I've served for several years as a Trustee for the  
9 California State University. I feel that through that service  
10 I've made contributions, been objective, conscientious, and I've  
11 developed a knowledge base, I think, that will contribute to  
12 further service.

13 CHAIRMAN ROBERTI: Any questions of Ms. Hampton?

14 SENATOR DOOLITTLE: Move confirmation.

15 CHAIRMAN ROBERTI: Senator Doolittle moves confirmation  
16 be recommended to the Floor.

17 You have a long list of endorsers.

18 Any opposition in the audience? Seeing none, Secretary  
19 will call the roll.

20 SECRETARY WEBB: Senator Doolittle.

21 SENATOR DOOLITTLE: Aye.

22 SECRETARY WEBB: Senator Mello.

23 SENATOR MELLO: Aye.

24 SECRETARY WEBB: Senator Petris.

25 SENATOR PETRIS: Aye.

26 SECRETARY WEBB: Senator Craven. Senator Roberti.

27 CHAIRMAN ROBERTI: Aye.  
28

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1           The vote is four to nothing; confirmation is recommended  
2 to the Floor.

3           MS. HAMPTON: Thank you.

4           CHAIRMAN ROBERTI: You're welcome.

5           Tirso Del Junco, Member of the Board of Regents of the  
6 University of California.

7           Dr. Del Junco, we'll ask you what we ask all the  
8 Governor's Appointees, and that is why you feel you're qualified  
9 to assume this position?

10          DR. DEL JUNCO: Well, I think that I'm qualified on the  
11 basis of my professional experience, business experience, and  
12 community involvement.

13          I am a practicing physician of the State of California.  
14 I've been practicing for over 35 years. I've been involved  
15 extensively in the area of education, teaching residents and  
16 interns. I've been a member of the faculty as an assistant  
17 clinical professor of surgery at the University of Irvine.

18          In business, I belong to a number of boards, starting as  
19 the Chairman of the Board of L.A. National Bank, Technical  
20 Corporation, and others which my resume reflects.

21          I've been very extensively involved in the community.  
22 I've practiced medicine primarily in East Los Angeles, where I'm  
23 Chief of Surgery at Santa Marta Hospital.

24          Furthermore, I think that I have a contribution to make  
25 because of my Hispanic ancestry, my involvement with the Hispanic  
26 community across the state for years.

27

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the first of these is the fact that the system is not in equilibrium.

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The eleventh of these is the fact that the system is not in equilibrium.

The twelfth of these is the fact that the system is not in equilibrium.

The thirteenth of these is the fact that the system is not in equilibrium.

1           And furthermore, I want to call to your attention that  
2 the Board of Regents now for a number of years have not had a  
3 medical doctor among its members, in spite of the fact that we  
4 have five medical schools, five teaching hospitals, representing  
5 over \$1 billion budget.

6           Therefore, I think that I bring in expertise to the  
7 Board that I think is worth while.

8           CHAIRMAN ROBERTI: Currently there's an initiative  
9 that's qualified for the ballot, Mr. Gann's Fair Pay Amendment,  
10 which will affect a number of institutions but not least of which  
11 will be the University, which in the medical field and some of  
12 the administrative personnel, as well as some of the faculty, has  
13 salaries that are way and above over the Fair Pay.

14           I would like to know, a, do you support the initiative;  
15 and b, what would you do if it passed?

16           DR. DEL JUNCO: Well, first of all, I think it's a  
17 disaster, would be a total disaster. I think it would take away  
18 our competitive edge in the market for professors, teachers, for  
19 chairmen of departments, researchers.

20           I think in the research area it would be a total  
21 disaster, because these people usually command salaries far and  
22 above what this initiative would allow.

23           What can I say? Perhaps at this stage all I can hope is  
24 that the University is not included there.

25           We have -- the Board of Regents have asked counsel to  
26 research this matter, and as the Senator said, I think, probably  
27 the courts will have to decide this eventually.  
28



1 But this in my opinion will render the University  
2 nonfunctioning from a teaching point of view.

3 CHAIRMAN ROBERTI: The University sort of feels that  
4 because they have a separate section of the Constitution, they're  
5 not covered.

6 DR. DEL JUNCO: We will try it anyway.

7 CHAIRMAN ROBERTI: I know. The Legislature has a  
8 separate section of the Constitution, too, and nobody says we're  
9 not covered. And local government, I guess, has a separate  
10 section, and the Executive has a separate section, and the  
11 Judiciary does.

12 So, I know this isn't your theory that you concocted,  
13 but since it's been raised --

14 DR. DEL JUNCO: I agree with you, Senator.

15 CHAIRMAN ROBERTI: -- I tend to think it's wishful  
16 thinking. I mean, we all have our separate sections of the  
17 Constitution.

18 Two Senators have requested that your name be put over,  
19 and I would say at this juncture not to lose any sleep over it.  
20 Even though I don't agree with your politics, I think you are  
21 qualified to assume this position and are very well known in the  
22 East side of Los Angeles for your medical work.

23 I would say that we'll probably be voting on this before  
24 the summer recess.

25 Is there any opposition to Dr. Del Junco in the  
26 audience?

27 Seeing none, Senator Petris, you had a question.

28

The first of these is the fact that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The second is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The third is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The fourth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The fifth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The sixth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The seventh is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The eighth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The ninth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable. The tenth is that the system is not a simple one. It is a complex system, and the behavior of the system is not predictable.

1           SENATOR PETRIS: Do you know Mr. Gann?

2           DR. DEL JUNCO: Yes, I know of him, yeah.

3           SENATOR PETRIS: Were you able to talk to him before  
4 this thing was circulated or before it was -- about the proposal?  
5 Did you ever get a chance to talk to him?

6           DR. DEL JUNCO: Senator, the truth of the fact is that I  
7 didn't even know when it was being circulated. It was, in fact,  
8 at the Board of Regents meeting that I became aware of this.

9           SENATOR PETRIS: I was just curious because of what his  
10 answers might be. I saw him on t.v. recently in which he was  
11 asked what did he think about this horrible impact that people  
12 are predicting, and he said: That's great! I'm looking for  
13 massive resignations.

14          DR. DEL JUNCO: He will get them. He will get the  
15 massive resignations, but we will be left without teachers.

16          SENATOR PETRIS: I don't understand the reaction. I  
17 don't understand his attitude.

18               I thought you might give us some insight on that.

19          DR. DEL JUNCO: You know, I have -- I was Chairman of  
20 the Party six years ago --

21          SENATOR PETRIS: That's why I asked you.

22          DR. DEL JUNCO: -- and I haven't had -- I haven't really  
23 seen Mr. Gann since he's had his heart attack. So, I have had no  
24 contact with him.

25          SENATOR PETRIS: I see.

26               Let me ask you about the Master Plan. We're going  
27 through a review of that now. The other nominee indicated that  
28 he didn't think we should mess around with it very much.





1           Do you see this as an opportunity to make improvements  
2 in the Plan? Do you think it ought to stay the way it is?

3           DR. DEL JUNCO: Basically the philosophical principles  
4 behind it, the basis of the Master Plan, I think that this has  
5 proven extremely useful, from what I understand. Not only is it  
6 useful here, but I understand that many other states are looking  
7 at it and some have adopted a Master Plan.

8           I think the Master Plan has been in effect for 20 years,  
9 and certainly at the junior college level, the number of students  
10 and so on, have changed a lot. I think it's time to review  
11 anything that's been in place for 20 years and try to resolve  
12 some of the problems that must be existing there.

13           However, let me say to you, Senator, that I think it  
14 would be a great error to make this a free-for-all, where  
15 everybody's going to be fighting for funds, and the system will  
16 then be greatly altered. I think that we have progressed  
17 tremendously.

18           SENATOR PETRIS: I don't see that as a menace. I don't  
19 think that's in the cards.

20           DR. DEL JUNCO: I don't think so, either.

21           SENATOR PETRIS: I think they're looking for  
22 redefinition, particularly at the community college level,  
23 redefining it. It grew larger and faster than anything else, and  
24 that's probably the main thrust.

25           DR. DEL JUNCO: Senator, 20 years, it's time to take a  
26 look.

27           SENATOR PETRIS: It's time for a review; that's right.  
28



1           Thank you very much.

2           SENATOR MELLO: Mr. Chairman, I'd just like to comment  
3 briefly with the Doctor, mainly because we had a nice talk for  
4 about an hour this morning. We weren't able to convert each  
5 other's political persuasions, and we didn't try.

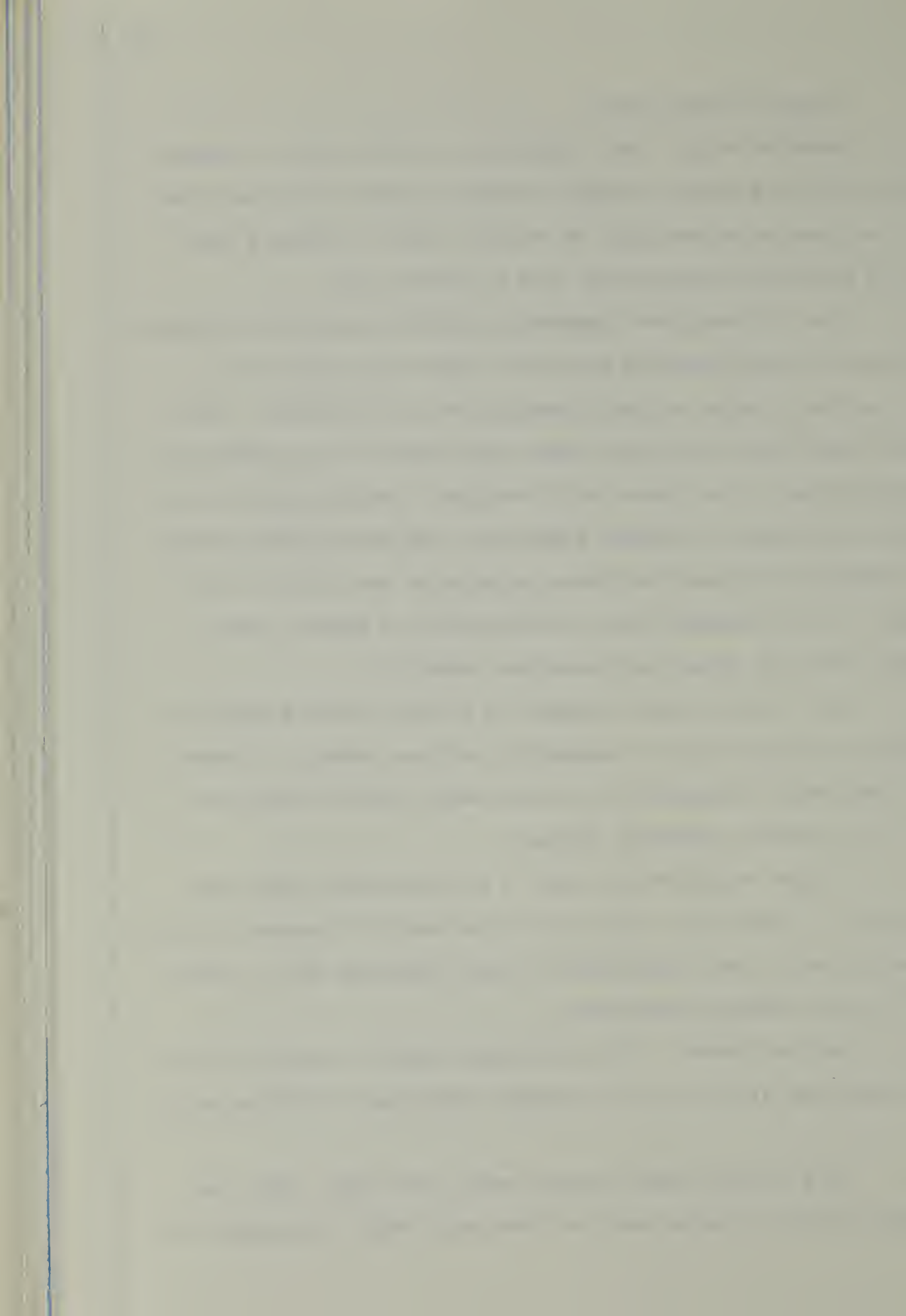
6           But I'm very much impressed with the kind of attitude he  
7 has toward doing something about the under-represented and  
8 under-served growing Hispanic population in California. He's  
9 keenly aware that Hispanics, which make close to 20 percent of  
10 our population in the State, only comprise a small amount of the  
11 student enrollment in higher education. We were talking about  
12 the comparison between the Asian population now, which is 25  
13 percent of the freshmen class at Berkeley are Asians, and I  
14 commend them for their hard work and industry.

15           And I think what's needed is a real effort placed on  
16 motivation, especially in elementary and high school, to make  
17 sure that young Hispanics can be motivated and have goals of  
18 going to a higher education system.

19           I just wanted to say that I was impressed with your  
20 responses. I think you will add to the Board of Regents in this  
21 dimension and in your commitment to see that they get a larger  
22 share of our student enrollment.

23           DR. DEL JUNCO: I'm taking your time to answer one of  
24 your questions of what is the biggest challenge the University  
25 has.

26           It's exactly what Senator Mello has said. When one  
27 considers that 13 years from now, the year 2000, 50 percent of  
28



1 the population of this state is going to be Hispanic, and when  
2 one considers that right now many of those students are coming in  
3 under some specific circumstances, lowering the standards of the  
4 University, we have a big challenge. That is, how do we bring  
5 those Hispanic students up to the 3.8-3.9 average where we will  
6 not have to then reduce the overall standards of the University  
7 to a position where we will not be competing.

8 This is a very serious matter. Like the Senator said, I  
9 think that we can look to what the Asian community has done and  
10 others who have been very, very successful.

11 And I suggest to you that there is a lot of room to look  
12 to those positive angles in looking at the K-12 system, and to  
13 see how we can manage that, at the end of that high school  
14 graduation, we have a larger eligibility ratio from the Hispanic  
15 community.

16 At the present time, there's only about 4-5 percent of  
17 that population eligible to go to the University. That has to be  
18 corrected in the next 13 years, otherwise we're going to have  
19 serious problems.

20 CHAIRMAN ROBERTI: Without objection, we will take up  
21 the vote on Dr. Del Junco at a date set by the Chair before the  
22 summer recess.

23 DR. DEL JUNCO: Thank you, Senator.

24 (Thereupon this portion of the Senate  
25 Rules Committee Hearing was terminated  
26 at approximately 3:50 P.M.)  
27  
28



CERTIFICATE OF SHORTHAND REPORTER


I, EVELYN MIZAK, a Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing Senate Rules Committee hearing was reported in shorthand by me, Evelyn Mizak, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in the outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this

13<sup>th</sup> day of June, 1986.

  
EVELYN MIZAK  
Shorthand Reporter

















